



COLUMBIA
JOURNALISM
REVIEW

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NEWS COUNCILS

Mike Wallace vs
Joseph Lelyveld



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CONGLOMERATION

PUNISHING the PRESS

TOUGH JUDGMENTS
on Libel, Fairness

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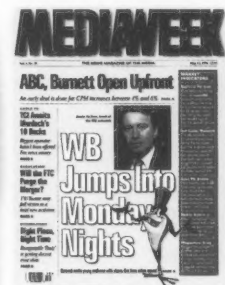
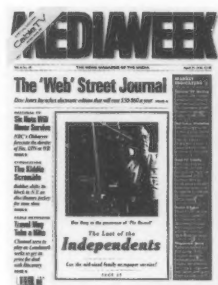


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MEDIAWEEK

The News Magazine of the Media

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The New Republic's Michael Kelly, page 40

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Controversial promo for WCCO's series on safety at Northwest



PRIME TIME LIVE/ABC-TV/MEAT RESEARCH CENTER

A PrimeTime Live producer applies for a meat-wrapping job.

COVER: MIKE WALLACE, DAN ESPLEIN;
JOSEPH LELYVELD, SARA BARRETT;
GAVEL, © GARY BUSS/FPG INTERNATIONAL CORP.



PRIME TIME LIVE/ABC-TV/MEDIA RESEARCH CENTER



DOUG ANDRELL

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HEARST: WHERE JOURNALISM OF DISTINCTION IS AN EVERYDAY STORY.



“...HER SCAR TOLD THE ENTIRE STORY. IT SPOKE OF HER WILL TO LIVE AND THE BRUTALITY OF THE CRIME. IT TOLD ME HOW SHE SURVIVED.”

The images of dramatic news events are often cruel and brutal. There are times when capturing those images requires unique sensitivity and artistry.

San Francisco Examiner photographer Christina Koci Hernandez, winner of the 1996 Society of Professional Journalists' Photojournalist of the Year Award, brought all of her skills together in the image of Donna, a gang rape victim.

After a dozen thugs repeatedly assaulted Donna in a housing project, they wanted to see if she was still alive. So one of them held a lit cigarette against her hand for more than a minute. Afraid they would kill her,

Donna didn't move.

The legal secretary was still dealing with the trauma when Christina met her. “She was disguised in a black hat and glasses,” Christina says, “but what she couldn't hide was the cigarette burn on her hand. She wanted to keep her identity hidden for safety reasons. When I saw the empty walls of her apartment, I knew it was there I would make her picture. To me, her scar told the entire story. It spoke of her will to live and the brutality of the crime. It told me how she survived.”

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Publisher's Note

by Joan Konner

The Virtues of *Not* Telling a Story

The duPont-Columbia Awards for Excellence in radio and television celebrate the work that demonstrates the best of electronic journalism in the past year. The awards are administered by the Columbia Graduate School of Journalism, and the annual ceremony is a gathering of the clan of serious professionals dedicated to journalism in the public interest. Here are remarks I made on that occasion as chair of the duPont-Columbia Awards jury, expanded upon for this column:

This year's duPont-Columbia Award winners demonstrate some important points about television and radio journalism: that it can report not only the breaking story but also the ideas, ideologies, and passions behind it; that it can bring the distant world closer and bring home our distance from the world next door; that it can report the most complex political issues, trace social and historical trends, and track scientific events and developments. One of the winners this year demonstrates journalism under attack in the legal system where, win or lose, journalism loses — if not legally, then financially and practically, by promoting fear and the loss of will to do investigative reporting. Finally this year's winners demonstrate electronic journalism at its best — in illuminating the human condition.

It's ironic to reflect that while we gather to celebrate these triumphs of our trade, journalists are more and more seen in the public eye as not quite human themselves.

Some of the hostility arises from the strange new world of megacorporations, megamoguls, and dazzling new technology that journalists themselves are just learning to live with. It used to be, in towns all over America, that the newspaper publisher was some guy whose last name readers recognized and, often, whose face they knew. Now the publisher/broadcaster is a distant bureaucracy whose last name is Incorporated. It used to be, for people all over America, that "the news media" were some brash kid with a pencil and a notebook operating under the guidance and control of some green eyeshade, an experienced elder who caught errors, simplified prose, and guaranteed accuracy. Today the news media are viewed collectively by the public as a great, powerful behemoth — a seemingly faceless, mechanized, invulnerable, dehumanized Darth Vader reporting a reality in which ordinary citizens do not recognize themselves.

Part of the problem with the public's unflattering perception lies in ourselves — and our own apparent lack of humanity. We're here to pick out the best, but there's too much of the

worst kind of journalism going on out there, too. Too much reporting that is perpetrated by journalists who are insensitive or arrogant, self-righteous or sensational, unfair or unkind. And there is too much reporting which we may have the right to do but which may not be the right thing to do.

Of course, journalism has to be aggressive. Journalists, working in the public interest, have to pursue the facts and the truth of the story. And often that takes courage, not only moral and physical courage but even the courage to be unpopular for revealing a story that is offensive to someone. Sometimes the truth leaves us uplifted and more often it leaves us furious.

But there is a difference between probing into public corruption — and private pain. Between flashy exposure of wrongdoing — and flashy exposure of confusion and misunderstanding. Between telling a story that's important and pursuing a story that is simply sexy or sure to raise a ruckus — or ratings. That kind of journalism damages all of journalism.

We're very good at defending all reporting by citing our constitutionally protected freedom. But lately I find myself wondering whether we try hard enough to come up with good reasons for self-restraint, for *not* telling a story. Sometimes we lose sight of the impact of our work on the human beings we're reporting about — from Admiral Jeremy Boorda to Richard Jewell to Vincent Foster. This is journalism that puts every journalist in the line of friendly fire. Some of the public mistrust and even some lawsuits are self-inflicted wounds — from mindless competition, questionable practices, and excesses of the trade.

Being journalists who practice our trade professionally but who are not in the legal sense professionals, we don't have much recourse against those who wantonly and brazenly tarnish the field. We can't yank the licenses of incompetent journalists, as the medical profession can for incompetent doctors; we can't disbar unethical journalists, as the legal profession can unethical lawyers. Since journalism is the only line of work mentioned by name in the Bill of Rights, lots of dubious stuff can claim the same protection as the great and groundbreaking work we all admire.

We gather at this annual ritual to renew our vows, restate our commitment to the public interest, and present models to which to aspire. Most important, these awards remind us of the essence of the best journalism: journalism crafted by thinking, feeling journalists who balance professional purpose with partnership in the human community. ♦

Letters

THE GROWTH OF GIANTS

Regarding Neil Hickey's fine piece on the Telecommunications Act of 1996 ("So Big," *CJR*, January/February): the joy over the passage of the Act was not in the least misplaced. Congress and its attendant satraps had delivered the goods to the only people they care about — their sponsors. The calculus of the Act had nothing whatever to do with the interests of the consumers — only with corporate profits, and the surety that cartelization can proceed.

ROBERT C. SOMMER
New York, New York

While the consolidations continue, has anyone noticed, as we have out here in the boonies, that *The New York Times* recently bought KFOR-TV, the NBC affiliate, in Oklahoma City? There has been no immediate change in its newscasts, which had the distinction of being among the top ten TV stations leading with blood-and-guts stories before the *Times* bought it and with no visible change since. As for the ABC affiliate here, it is owned by Gannett.

STUART C. VAN ORDEN
Perkins, Oklahoma

THE PRICE OF FREEDOM

Oh, how we all sympathize with Glenn Lovell and his embattled confrères, the film critics of America ("Movies and Manipulation: How Studios Punish Critics," *CJR*, January/February). Why, those meanie studios withhold junkets from those who don't slaver over every latest release, and worse yet, won't let uncompliant press members into screenings!

Did any critic ever learn anything about the quality or lack of it in a movie from a junket? Not likely. As for the screenings, last I heard the top price for a first-run film was \$8.50, even in New York. Pay your way, boys and girls, and you can write what you want.

I don't think any real critic's voice has been "muted by angry publicists and powerful agents."

SAMUEL PENNINGTON
Waldoboro, Maine

PREEMPTIVE PROGRAMS

In his November/December article "The Lives We Would Like to Set Right," Michael Shapiro urges the press to offer more thoughtful news stories on the child welfare system, stories that capture the complex circumstances that underlie family abuse of children. Shapiro correctly points out that child abuse will not be explained or remedied by stories that focus on flawed agencies, incompetent caseworkers, and villainous parents.

For the child welfare system to protect children after abuse has already occurred, a caseworker would need to make the right decision every time. That is impossible. Child abuse is preventable, but it is easiest and most successfully prevented before the first abusive episode.

Most child abuse occurs to children who are younger than five years of age and most of that abuse is inflicted on children in their first year of life. Successful social service interventions to prevent abuse need to begin before a child is born and continue through the child's infancy.

Home-visiting programs like Parents Too Soon in Illinois and Healthy Families America in Hawaii work with families with infants and have shown promising preliminary results. One key to their success is that they help parents manage the challenges of raising children before unhealthy patterns develop and disciplinary measures get out of control.

Shapiro suggests that journalists ask larger questions about child abuse cases, probing antecedents of child abuse and the possible consequences of child welfare agency decisions. I look forward to reading such stories. One thing is certain: it is loving, successful, resourceful families who provide the ideal settings in which to raise children. Journalists can play an important role in reducing child abuse by exploring ways that government agencies and community organizations can help families succeed.

HARRIET MEYER
Executive director
Ounce of Prevention Fund
Chicago, Illinois

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A JOURNALIST'S LOT

Never has the astonishing hubris of the junior press corps been more comically obvious than in the snooty assertions by which Columbia Graduate School of Journalism students answered the question, "What is a journalist?" (Publisher's Note, CJR, November/December).

Of sixteen respondents, fifteen would probably be happier seeking careers in social work, children's television, or, better yet, the New Age movement.

The one answer that demonstrated a realistic appreciation of the newshound's lot — (a journalist is) "a nonfiction writer with a job" — was at least featured at the top of the collection.

And its author just might have enough brass to survive the bitter realization that from the standpoint of American newspaper management, a "journalist" is merely someone hired (at the lowest possible wage) to fill the spaces between the advertisements — generally with material intended to do nothing more than keep the advertisers happy.

LOREN BLISS

Former investigative reporter, editorial page columnist, city editor, rim-rat, etc.
Yelm, Washington

TRUE COLORS

How grateful I am to you and Christopher Hanson ("Dr. Jekyll and Mr. Klein," CJR, September/October) for pointing out that I utterly misconstrued the truth about *Primary Colors*, that Joe Klein ("Anonymous") has, in fact, suffered through a heart-wrenching, breast-beating moral dilemma, a Jekyll and Hyde dichotomy "... that started turning (Klein) into Hyde spontaneously, without warning, against his will, (until he) was found out by suspicious colleagues."

I had assumed that this was a pre-planned collusion between Joe Klein and his publisher on one hand, and the circulation gurus of *The Washington Post* and *Newsweek* on the other.

Shame on me.

WILLIAM TROY
Eastlake, Ohio

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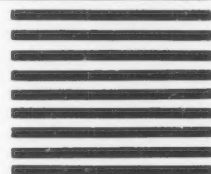
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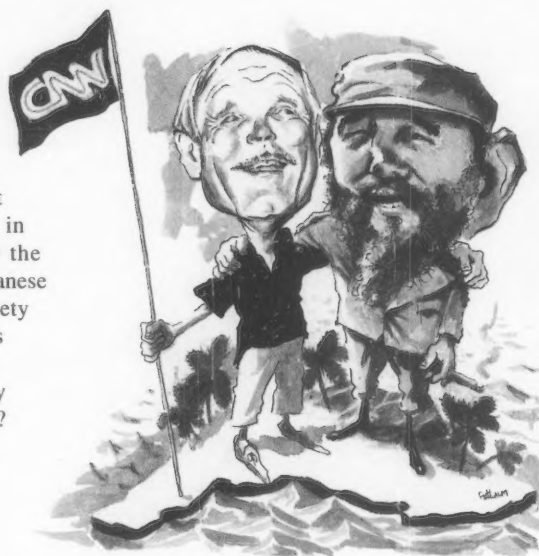
FREE PRESS

LINING UP TO COVER CUBA

In a world where Americans learn intimate details about religious upheavals in Afghanistan and follow the smallest gyrations in Japanese stock markets, Cuba, ninety miles off Florida, remains a relative mystery.

Is Castro's economy improving or declining? What kind of education and medical care do Cuban children get? How has this clever dictator managed to last through the terms of eight U.S. presidents, all eager to depose him?

Maybe we'll soon have some answers to these questions from the American media. About the time you read this, CNN plans to open the first U.S. news bureau in Cuba since 1969, when The Associated Press was kicked out. It intends to station five journalists, led by senior Latin American correspondent Lucia Newman, on the island, where coverage by U.S. organizations had previously been provided by stringers who were sporadically admitted — and sporadically booted out — by Castro's jumpy bureaucrats. Now that CNN has gained a foothold on this unforgiving island, other newspapers



CNN IS FIRST — AND NOT EVERYONE IS PLEASED

and networks are hoping to follow. Ten U.S. media organizations — including *The Miami Herald*, the *Chicago Tribune*, CBS, and ABC — received permission for a Cuba bureau from the Clinton administration in mid-February, but so far only CNN has the green light from the Cubans.

Castro's approval was "a huge breakthrough," says Eason Jordan, CNN International's executive vice president. After a long campaign, the

network got authorization from Cuba back in August, but didn't publicize it until November in order to prevent the issue from being "politicized" before the U.S. election.

Washington was the next hurdle. CNN waited for months for a word from the Treasury Department, which must license any U.S. news organization that wants to set up a bureau in Cuba. At issue was the Helms-Burton law, fathered by Jesse Helms, the chairman of the Senate Foreign Relations Committee, and Representative Dan Burton, and officially known as the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996." Signed by President Clinton in March, 1996, in the turbulent wake of Cuba's downing of two American airplanes, the law strengthens the thirty-five-year-old U.S. embargo against the island.

Section 114 of the law establishes conditions for an exchange of news bureaus, which are allowed with certain — some would say prohibitive — conditions. The law stipulates, for example, that the Cuban government cannot interfere with the functioning in Cuba of any U.S.-based organizations, including the U.S.-sponsored Radio Martí and Television Martí, both of which are abhorred by the Cuban gov-

MARK GOTBAUM

ernment for their firmly anti-Castro line. The Treasury Department did not authorize the opening of a Cuban news bureau in the U.S.

Some other news organizations were less than pleased with the idea of a CNN monopoly. And a serious concern, said a State Department official, was whether the U.S. should be in the position of letting Cubans pick and choose the media they like.

The Miami Herald is one paper that has been eager to get into Cuba, and has not been shy with Cuban officials about its intentions. "They certainly know we're interested," says publisher David Lawrence Jr., who has personally lobbied in both Washington and Havana for permission to operate on the island. The *Herald* reported in January that within days of learning that Cuba was opening its doors to CNN, Lawrence "sent a flurry of letters to senior U.S. officials asking that the *Herald* be included in 'the first wave of any arrangement that involves news bureaus in Cuba.'" Later Lawrence declared that he doesn't mind CNN's opening a bureau, but "we think that the *Herald*, with its decades of coverage of Cuba and the fact that 55 percent of all Cuban-Americans live in South Florida, ought to be there early. Immediately, if possible."

CNN does have an advantage: its founder has a special kind of relationship with Cuba. Some critics point out that CNN boss Ted Turner and Castro aren't just business associates, they're pals. "They've gone fishing together," says Gil Kapen, a staff member with the House International Relations Committee. Kapen says he has some concerns about the network's ability to be unbiased in covering the charismatic Castro. And Mariela Ferretti, spokeswoman for the anti-Castro Cuban American National Foundation, based in Miami, says that Castro's approval of CNN's entry is a positive step, but thinks precedent doesn't bode well for objective reporting from the island: she believes CNN's pre-bureau coverage of Cuba "stinks."

CNN's Jordan finds such worries "outrageous." He says Castro has promised CNN unconditional access, and that the network — with twenty-one international bureaus from Nairobi

to Jakarta and a reach into 180 million homes worldwide — will uphold its high journalistic standards. "We'll be fair, we'll be balanced," says CNN anchor Bernard Shaw. "We don't hold up a finger to see which way the wind is blowing."

CNN maintains that its entry paves the way for a more open Cuba. Indeed, many organizations are eager to establish Cuba bureaus. Some, like *The Washington Post*, applied to the Cuban government but haven't bothered asking the U.S. for access — after all, they say, Clinton's approval is moot without Castro's. Not a few journalists, it should be noted, are uncomfortable with the very idea of a free press's having to ask U.S. authorities for permission.

Fort Lauderdale's *Sun-Sentinel*, which now has U.S. approval, is also hoping to open a bureau. "If you're going to have a true sense of what's going on in Cuba, you have to have continuity," says editor Earl Maucker. He supports CNN's entry, and sees Castro's go-ahead for it as a warm breath in a general thawing trend toward the press in Cuba. He adds, "It's got to start some place."

Christina Ianzito

Ianzito is CJR's assistant editor.

LANGUAGE CORNER

THE ONE AND ONLY

Bob Howard, a visitor to the CJR website and a "cranky old (51 years) journalist," was affronted when he read this recently in a headline deck: "Inside Southern California's most unique real estate market . . ." Affronted he should be. As he pointed out, modern dictionaries do accept "highly unusual" or "very rare or uncommon" down on their lists of definitions for "unique." But that's a cave-in. Look at the start of that word — "un." It means "one" (from the Latin "unus"). Something that is unique is one of a kind. It can't be very, or less, or more, or somewhat, or a tad, or most unique. It's unique, period. On this one, the cranks, young, old, and in between, have to do battle. As one.

For more on the language, see CJR's website at <http://www.cjr.org>.

TRIALS

STOPPING THE CIRCUS

"Dignified" coverage of the Oklahoma City case

Reporters and photographers chasing attorneys, pounding on witnesses' car windows, and fighting for position are just some of the negative images of the media that linger long after O.J. Simpson was acquitted in his criminal trial.

Another high-profile event, the Oklahoma City bombing trial, is scheduled to begin in Denver on March 31. It too will attract hundreds of journalists, but this time members of the media are working together, planning orderly and dignified coverage instead of a media circus. And their success will depend largely on cooperation — between the media and the court and, especially, between members of the press.

Scores of news organizations, both print and broadcast, formed a unique media consortium even before the first pretrial hearing last spring. The perceived need for a single voice — as journalists heard early warnings that the federal court would set strict rules governing press access — drew them together. Members believe it is the most important attempt yet to coordinate news coverage of a single event.

Broadcasters were united by Steve Grund, director of news operations for Tribune Broadcasting and news director of Denver station KWGN-TV, while the print effort was headed by Joe McGowan, Colorado/Wyoming bureau chief for The Associated Press. The two groups soon became one. "If it works," says McGowan, "I think it will serve as a model."

The media are now working closely with the federal court, federal marshals, Federal Protective Service, and General Services Administration. They are solving problems involving credentials, technology, and legal issues. They've hired an experienced event-coverage producer to handle some of the more complicated logistics and an attorney to represent the consortium in legal matters. Such assis-

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tance is funded by the group; its members are asked to contribute with rates based on media type (television organizations pay the most because they require more technological support). Roger O'Neil, NBC's Denver-based correspondent and co-chair of the consortium, estimates the budget may reach as high as \$100,000 before the trial's end.

The group has made progress: at its request, federal officials have agreed to allow a pool camera near the front door of the courthouse, a rotation system for reporters wanting to attend courtroom proceedings, a "bullpen" area — a press arena in front of the courtyard — and a three-tier credential system. Journalists may apply to the federal court's clerk for separate credentials as needed for the courtroom, press room, and bullpen.

Because the bullpen limits the press's movement, prosecutors and defense attorneys will be asked to voluntarily approach the area for interviews. If reporters have an exclusive, McGowan says "they can arrange to go to the sides or around the back of the courthouse."

Some journalists don't find the system so neat, however. "It's nice in theory, if everybody follows the rules," said KCNC-TV's chief photographer, Bob Burke. "But the bullpen is b.s. Cameras make television crews more noticeable. Meanwhile, print reporters can wander around wherever they want to."

KCNC-TV reporter Rick Sallinger is impressed with the consortium's efforts so far, but wonders how long order will be maintained. "The current number of cameras and reporters is just a small percentage of what we're going to have when the trial begins," he said.

Despite such concerns, consortium co-chair O'Neil is determined to make sure that everyone follows the rules: "If there is a media person who is acting out of line, I will go to that person's boss and let him know about it."

Meanwhile, a trend may be developing. Court officials in Sacramento have consulted the consortium for advice on forming the same type of organization for coverage of the Unabomber trial.

Greg Luft

Luft teaches journalism at Colorado State University, in Fort Collins, Colorado.

FEEDBACK

E-MAIL: HOW THEY USE IT



Postrel



Byron



Kadlec



Roberts



Hume

Two years ago, when Scott Rosenberg tried to put his e-mail address at the bottom of his *San Francisco Examiner* column, the paper's mainframe computer read the unfamiliar "@" sign as a control code and deleted it. That won't happen anymore. These days, more and more print journalists, either by their own initiative or on the prompting of editors, are appending their personal e-mail addresses to their work.

One fan is *Newsweek's* Wall Street editor, Allan Sloan (sloan@panix.com), who cites the reaction to a short piece he wrote in January 1996 about corporate downsizing as an example of e-mail's value. "After the story appeared, I received a large volume of candid, insightful e-mails from middle and upper management executives who were living with rage and fear. I could see that these were mostly politically conservative men angry at the way they were being treated by their companies." A month later, Sloan wrote a cover story ("Corporate Killers") for *Newsweek* examining the downsizing phenomenon. The e-mail response to the first article, he says, "helped us see that we were onto something."

Sloan normally receives about forty-five e-mail messages a week from readers in the U.S. and abroad, and all told they usually take ninety minutes to answer.

Not that e-mail works for everyone. An editor at *People* suggested Mitchell Fink try putting an e-mail address at the bottom of his gossip column, "The Insider." Most of the messages were unsubstantiated anonymous tips, press releases, or inquiries on "how can I e-mail a Gene Wilder or a Demi Moore." Fink decided to pull the plug after a year.

But Fink is an exception. Almost everyone contacted for this piece says that offering his or her e-mail address has turned out to be a net positive.

John Solomon

ROBERT SCHEER, contributing editor, *Los Angeles Times* (rscheer@aol.com):

"In general, the e-mail response to my column has been thoughtful, informative, and representative of a broad range of opinions. I have been corrected, turned on to new column subjects, and amused by most of the response. It is great that the mail starts minutes after the *L.A. Times* hits people's doorsteps, which makes one feel somehow relevant as a print journalist in this day of television blather. But best of all, through e-mail my column gets posted on bulletin boards all over the world and that vastly expands my readership."

VIRGINIA I. POSTREL, editor, *Reason* (vpostrel@aol.com):

"I know from the volume as well as the content of e-mail which of my columns really resonated with readers and which were less than earth-shaking. E-mail is much less formal and official for readers. Letters to the editor, in particular, are almost always written out of anger, either at the author or at the subject of the piece, or they're done to publicize the letter writer; one of these two motives seems to be necessary in order for people to muster the necessary labor. E-mail, by contrast, communicates a much fuller range of responses."

LAURIE ROBERTS, columnist, *The Arizona Republic/Phoenix Gazette* (robertsne@aol.com):

"It's quick, it's painless (except for the messages from the critics, of course), and besides, it's fun. Sort of like those childhood days when we used to string two cans together to talk on our 'private line.'"

BRIT HUME, chief Washington correspondent, *Fox News*, and computer columnist (72737.357@compuserve.com):

"I sometimes get corrections and updated information for my computer column. As for TV stuff, I'm sensitive to questions of fairness, and am always on the lookout for complaints about that issue. Unfortunately, people who call me up in anger tend to (a) not leave their names, and (b) not be very specific. Internet users tend to be more specific."

CHRISTOPHER BYRON, columnist, *The New York Observer* (chbscoop@aol.com):

"If I get something wrong, I know about it instantly."

BRAD GOLDSTEIN, computer-assisted reporting editor, *St. Petersburg Times* (bgoldstein@sptimes.com):

"We did a project last year on the highly lucrative fire and police pensions in Florida. The series had all of our e-mail addresses. It was invaluable. We knew about a lot of the sweetheart bills that the public safety unions were pushing up in Tallahassee, but after the stories started running, lobbyists in the state capital began sending us e-mail about other bills that had carefully crafted wording which would make pensions even richer. Phone calls are also encouraged. But e-mail is immediate."

HOLLY HEYSER, reporter, *San Jose Mercury News* (hheyser@sjmercury.com):

"The wonderful thing about e-mail is that I get to deal with the communication on my own terms. If the information is useless, I don't have to waste a lot of time being polite and saying 'Uh huh. Uh huh. Thanks but no thanks.' And if it's valuable, I can deal with it when I have time, instead of possibly wounding a caller by saying, 'You know, I'm really interested, but I'm way past deadline and just don't have time to talk to you right now.'"

DANIEL KADLEC, columnist, *Time* (kadlec@time.com):

"Through e-mail, I have built a library of people out in the world who I can get in touch with to provide different perspectives on financial stories . . . It's extra input."

BRYAN DENSON, reporter, *The Oregonian* (bryandenson@news.oregonian.com):

"The bottom line is this: the more mail we get, the wider we have cast the nets and the better we do on follow-up stories. I don't know about you, but I'll take any leg up I can get."

John Solomon (solly7@aol.com) is a freelance writer in New York.

FRANCE

BEAT THE PRESS

How the extreme right runs rings around the media

Alain Sanders was a mercenary in the Belgian Congo long before he became a journalist at the Parisian daily *Présent*, and he still sees himself as a lonely warrior. The red-haired, bearded reporter hero of France's extreme right party, the National Front, explained to me why he despises the mainstream press: "We denounce the lie of objective journalism. Choosing which facts to report is already expressing an opinion. We admit it. We say, 'We're expressing an opinion, and we're letting you know it.'"

Indeed they are. *Présent* hammers on the urban "violence and anarchy" caused by the immigrant "invasion," and on the corrupt politicians, occult Freemasons, and financiers who run the world — a mix many readers find "too intellectual," sighs Sanders. It's the sort of material you find in the American neo-Nazi weekly *The Spotlight* (a big fan of National Front leader Jean-Marie Le Pen). But there's a major difference: *The Spotlight*'s followers are stuck on the American fringe, while reporters like Sanders helped the Front expand beyond its neo-fascist core and survive two decades of hostile mainstream news coverage to become a fast-rising political movement. It is now polling 40 percent or more in some elections, enough to control four cities in the south under France's voting system.

Without the active help of true-believer media like *Présent*, the Front might be dead: from its inception in 1972 until the mid-'80s, journalists handled the Front like the *Los Angeles Times* handled Democrats in the 1940s — by ignoring or ridiculing them. But in 1984 that tactic was sabotaged when President François Mitterrand, a Socialist, allowed Le Pen access to state-owned TV networks. Mitterrand's announced reason was to respect the rights of expression

and representation, but in fact he hoped that the Front would drag the mainstream right toward extremism (exactly as Pat Buchanan pulled the Republicans sharply rightward in '92), and thus to electoral defeat.

Mitterrand's plan backfired. Le Pen's first national exposure helped give the Front its first mass audience and electoral successes. After 1987, when Le Pen was caught in anti-Semitic and racist speeches, he and his party were constantly attacked in the media, yet still thrived. This was partly due to rising unemployment and unending corruption scandals — and partly to the Front's own multiplying alternative media.

Besides *Présent*, media allied with the Front include a weekly newspaper, *National Hebdo*; an FM station, Radio

the Front's reactionary "traditionalist" Catholic wing. But they are a powerhouse mobilization tool. During a legislative campaign in the midst of a national transportation strike last winter, I watched as Radio Courtoisie put out an urgent call for campaign workers, and four dozen arrived in a distant Paris suburb by car pool within hours. "Few other parties in France could have done that," marveled Pascal Perrineau, director of the nonpartisan Center for the Study of French Political Life in Paris.

Over the past year Sanders and company ceased to be the sole vehicle for the Front's message. As the party gains literally hundreds of local, regional, and European Parliament offices, its program is gradually becoming an obligatory subject for mainstream journalists.

Even *Le Monde*, the movement's sworn enemy, now runs interviews with the Front's leaders. In the provinces, the Front is even bigger news. A reporter in the Loire valley told me, as he was covering the Front's county press conference: "We have the highest unemployment in the region — and when unemployment arrives, so do other problems [like crime]. The other parties deny the problems exist. The Front says, 'It's a crisis,' and public opinion says, 'They're telling us the truth.'"

The Front's growing prominence is again posing the question of how reporters should cover a movement they dread. In Lyon, the dominant daily, *Le Progrès*, accepts the Front as a feature of the landscape. "Their voters are readers of ours," said political correspondent Manuel da Fonseca.

It remains to be seen how this media battle will affect the 1998 legislative elections, but up to this point, the Front has used the mainstream media better than the media have handled the Front. It is a lesson that American reporters covering radical grass-roots movements would do well to learn: we are not the only powers that be.

Mark Hunter

Hunter is a staff writer for The American, an international weekly paper. He is writing a book about the National Front.



Jean-Marie Le Pen, leader of the National Front

AS THE FRONT GAINS POWER, ITS PROGRAM GAINS COVERAGE

Courtoisie; and scores of monthlies, quarterlies, pamphlets, books, and newsletters. Alongside national news and features spotlighting bygone Spanish fascists or Saddam Hussein's Iraq, *Présent* and *National Hebdo* list cake-and-coffee parties for sympathizers in far-off provinces, helping to keep together what Le Pen calls "a great big family."

These media aren't profitable; advertisers shun them and circulations hover in the low tens of thousands. *National Hebdo* seems to exist on party subsidies, while *Présent* draws its backing from

PROFILE

TOUCH OF THE POET

*The Boston Globe's
Patricia Smith
is a lightning rod*

Patricia Smith, whom the *The Boston Globe* lured from her job as a feature writer at the *Chicago Sun-Times* six years ago, "was the type of person easily overlooked," says Lincoln Millstein, a *Boston Globe* vice president. Not so in Boston, where the marquee columnist has become a force to be reckoned with.

After managing editor Gregory Moore of the *Globe* met Smith at a convention of black journalists, Millstein, then assistant managing editor for features, was struck more by the scorching use of language in her sideline — she has published three volumes of poetry — than by her *Sun-Times* entertainment clips.

*When a bullet enters the brain, the
head explodes.*

*I can think of no softer warning for
the mothers*

*who sit doubled before my desk,
knotting their smooth brown hands,
and begging, fix my boy, fix my boy.*

— From "Undertaker"

Hired as a pop music critic, Smith wrote in a formulaic style until Millstein urged her to loosen up and write as soaringly for the newspaper as she did for the people who came to dimly lit, smoky clubs to hear her read her poetry.

Soon editors saw a columnist prospect in their writer's new-found style. They had to transform a feature writer into a better street reporter, though, and Smith's development included covering the Rodney King case in Los Angeles and the South African election in 1994. In May of that year she was given the Metro column, a plum job at a writer's paper. From the start, Smith filled her 800-word space with confident, full-throated essays on subjects ranging from her garden to murders in the neighborhoods to municipal corruption, always swaying somewhere between poetry and

prose. But she says she was surprised by the assignment and for a time felt like an impostor, self-conscious about her limited hard-news experience. She believes she contributed to some newsroom resentment in the beginning by not asking for help when she needed it.

And there were complaints, from fel-



low staff members as well as readers, that Smith wrote too much about race. The *Globe's* ombudsman, Mark Jurkowitz, wrote two years ago that no *Globe* writer provoked more passionate response from readers than Smith. Moore attributes much of the negative passion to misperception of her role and special voice. Historically, there had been a "tremendous absence" of a black viewpoint in the *Globe*, he says, and "when you go from zero to sixty, it seems like you're going really fast."

Smith, forty-one, writes out of her experience. She grew up lower-middle-class in a west-side Chicago apartment, nurtured by a poetry-writing father who also read to her from the *Sun-Times* and a mother who "taught me to shine on my own." Her father's murder by a robber when he was forty-two and she was twenty is a wound that doesn't heal. When she was twenty-one she bore a child with a man who left her. It was a journalism class at Northwestern that led her to newspapers.

She can inject unusual passion and conviction into her writing. Few writers

could so convincingly call the Roxbury neighborhood, Boston's black ghetto, "the ideal place" as she did, ascribing to the community the vibrant rhythm of her childhood Chicago. "There were high-fives and Sunday struts," she wrote. "There was the meat market, where my mother dragged her good shoes through the sawdust while fussing incessantly over the cheap cuts of pork and beef. There were pigtailed girls kicking double-Dutch and boys who tossed balls through hoops roped to street signs. There were knifings, layoffs, layoffs, and all-night card games. There were taverns that pumped blues from every pore and Holy-Rolling churches to redeem the Saturday night revelers. There was life everywhere."

In time, Smith ignored the complaints that her columns focused excessively on race and listened to those who found her perspective enlightening. "If you're writing about what matters to the city, most of the time it's going to be connected with race somehow. It's just the nature of the city."

Her first foray into investigative reporting had a racial component, a series of columns last spring accusing the Massachusetts Bay Transportation Authority of overlooking rampant, longstanding, in-house racial harassment and discrimination. The columns engendered heated denials from "T" officials, some of them black. Managing editor Moore, for one, backed his reporter. That federal officials are investigating the "T" and the state is trying to force a settlement of the discrimi-

nation charges "shows that she's right," Moore says.

In print every Monday and Friday, Smith is also seen and heard live every Wednesday night at the Cantab Lounge in Cambridge, where she hosts an open-mike, competitive "poetry slam."

Ron LaBrecque

LaBrecque, a former Miami Herald staff writer and Newsweek correspondent, is a regular contributor to Boston magazine.

DOUG MANDILL

**FOR A TIME
HER LACK OF
HARD NEWS
EXPERIENCE MADE
HER FEEL LIKE
AN IMPOSTER**

Critic at Large

by Lawrence K. Grossman

To Err Is Human, to *Admit* It Divine

To preempt a potentially embarrassing libel trial, NBC News paid more than half a million dollars to Richard A. Jewell, the falsely accused suspect in the Atlanta Summer Olympics bombing. But NBC never did issue a retraction or apology, or acknowledge that it went too far when Tom Brokaw reported that the FBI was close to "making the case" against Jewell and "they probably have enough to arrest him right now." I asked Bill Wheatley, NBC's respected vice president for news, how come. He replied, "Jewell's lawyers were more interested in money than an apology."

Having agreed to pay Jewell, NBC owed its viewers an admission that its reporting went over the edge. But news organizations are notoriously reluctant to go public with their own mistakes, even though they are quick to point accusatory fingers and demand that others do so. How many times has the press insisted that Bill Clinton and Newt Gingrich come clean with the facts concerning their own alleged improprieties? "The press has a great double standard," says Steven Brill, chairman of American Lawyer Media. "We spend most of the day holding everyone else accountable but when it comes to holding ourselves accountable . . . most of us are a bunch of hypocrites." Brill's company not only issues prompt and prominent corrections but also identifies the editors and reporters who are to blame. His is the rare exception.

When I was at NBC News a decade ago, we tried to launch a weekly series of news segments with the late Bill Monroe as correspondent, videotaping complaints of viewers who had legitimate gripes about our news reports. The producers and anchors so resented having to put those spots in their shows that they made a successful end run around the management; the programs invariably ran out of time before the viewer complaints could air. Our effort to produce a decent television version of letters-to-the-editor died a premature death.

Eager to play "gotcha" with others but unable to admit error when their own credibility is challenged, journalists are seen by the public as arrogant, insensitive, and holier-than-thou. What accounts for the stubborn reluctance of newsmen to admit they make mistakes? One veteran newsman, John McMillan, retired president and publisher of the Utica, New York, *Observer-Dispatch*, offers this explanation: "As an editor, I found the problem intense and deeply rooted. I never

figured out why. Perhaps it pertains to the quick-and-dirty nature of much journalism, where practitioners are defensive about knowing they are being less than thorough."

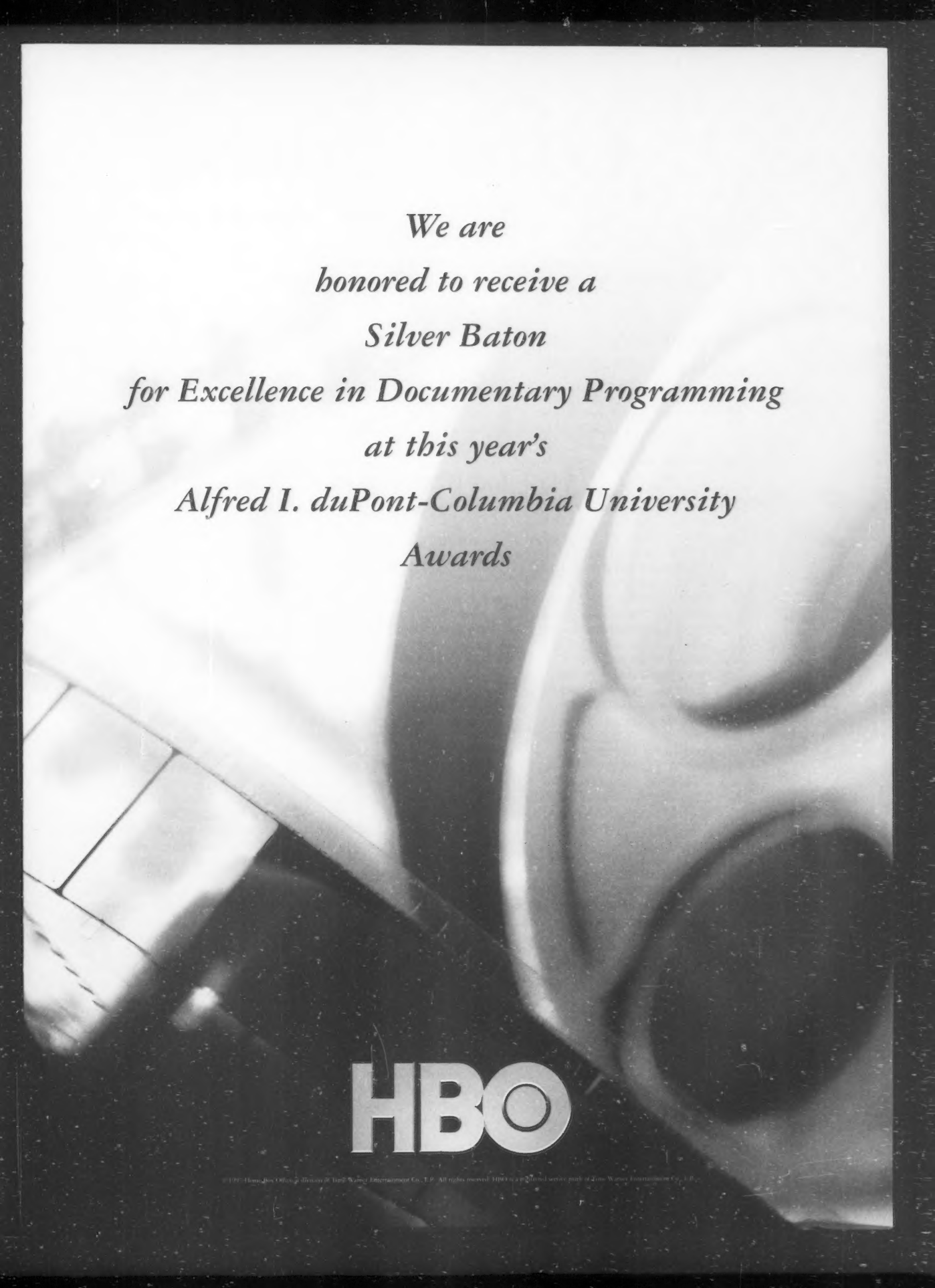
There's a simple and inexpensive, if at times painful way for news organizations to improve their credibility and their public image: make it a practice to own up to mistakes quickly and fully, even before being pressured into it. And if it's a major gaffe, don't settle for a measly paragraph hidden at the bottom of an inside page, or a reluctant "By the way . . ." from an anchor just before sign-off. Stand up to company lawyers who advise, "Don't admit error or say you're sorry because you may get sued." (ABC News's corporate-driven, gun-to-the-head apology to Philip Morris in 1995 was a sad anomaly.)

Last fall, CJR gave its lead "Laurel" to the *Northwest Arkansas Times* and editor Mike Masterson for a front-page admission that the paper had conducted an inaccurate and "almost pathological smear campaign" years earlier against a mayoral candidate. The story ran even though the candidate had lost his libel suit against the paper. The banner headline read, AN APOLOGY IS LONG OVERDUE. As the victim accurately responded, "Unfortunately, no one I know has ever heard of this kind of thing happening at a newspaper. I can't help but think that such a commitment . . . might actually become a contagious phenomenon within your powerful profession."

Back in 1987, *The New York Times* ran a memorable top-of-page-one story with the headline: A CORRECTION: TIMES WAS IN ERROR ON NORTH'S SECRET-FUND TESTIMONY. The paper had stated incorrectly that Oliver North testified that when he was on the National Security Council staff, he and CIA chief William Casey planned to keep secret from President Reagan a fund they wanted to set up for covert operations. The *Times* discovered its own mistake and 'fessed up in a big way. The correction was ordered by the executive editor, Max Frankel, even though, as the paper reported, nobody had complained that the article was wrong.

Perhaps journalists can also learn a thing or two from smart business executives who've come to appreciate the value of getting faults out on the table as soon as possible, as Johnson & Johnson did with its Tylenol-poisoning scare, Perrier did with its contamination problem, and Texaco's chairman is doing with its bias scandal. News organizations can save themselves a good deal of grief and earn a much-needed measure of respect by reporting their own blunders with as much alacrity and gusto as they report the blunders of others. They should overcome their fear of those two credibility-building words, "We're sorry." ♦

Lawrence K. Grossman is the author of The Electronic Republic: Reshaping Democracy in the Information Age, and a former president of NBC News and PBS.



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CJR Grapevine

who's where and what's what

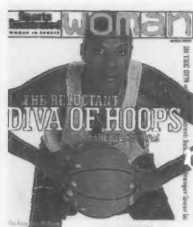
Double play for women's sports

Now that the Olympics have proved that women and sports make a winning combination, two publishers are planning new magazines that hope to capitalize on the connection.

In April, *Sports Illustrated* will publish the first of at least two test issues, tentatively titled *Sports Illustrated Woman*. It will be edited by Sandy Bailey, 41, who has also worked at *The New York Times* and *The Washington Post*. And the monthly *Condé Nast Sports for Women*, to be edited by Lucy Danziger, 37, a former editor at *Allure* and *The New York Times* style section, will make its debut in the fall.

At least for now, the magazines are staking out different turfs. *Condé Nast* — which as the publisher of *Mademoiselle*, *Self*, *Allure*, *Glamour*, and *Vogue* has a long track record in successfully marketing to women — says the main target of its new magazine will be women who are athletes, who "enjoy and participate in active sports." *Sports Illustrated*, on the other hand — which scored by marketing to sports fans — will aim mainly at sports fans who are women. But *Sports Illustrated Woman*, said Bailey, will not simply be covering more women's sporting events than its brother *SI*; it will take an entirely different approach

to its reporting. "Over all, women have more of an interest in the human side of the story," said Bailey. "Guys would be happy to get 'this just in' about a score or a trade, while women want to know the guy's brother had cancer."



Bailey (top) and Danziger (below) with test covers



Columnist McCarthy

The Washington Post downsizes its "liberal conscience"

After eighteen years as a syndicated columnist at *The Washington Post*, Colman McCarthy was abruptly notified that his column had "run its course." Citing a marked decline in the number of newspapers that carry his work, managing editor Robert G. Kaiser told McCarthy, 59, his column would be dropped at the end of 1996. Supporters of the columnist have protested the decision, arguing that the *Post* needs the balance of McCarthy's progressive voice.

McCarthy, who once considered becoming a Trappist monk, is a dedicated peace activist who also teaches classes on nonviolence in local public schools and law schools. *The Washingtonian* has called him "the liberal conscience of the *Post*," and the *Post* itself seemed to agree, featuring the quote in its own Writers Group description of the column. Now, though, "I was told I had become 'just a budget item,'" McCarthy told *CJR*. "I am mystified as to what the editors meant by saying my column had 'run its course.'" The issues I was writing about — racism, militarism, social justice, human rights, civil liberties — have not run their course, unless I'm overlooking something." Asked whether he was saying that his column had been dropped because he was too liberal, McCarthy responded:

"That's a question to ask the *Post*. I wasn't too liberal for me."

Kaiser denied there was any "ideological basis" for the decision. "I urge you to consider," he told *CJR*, "whether the *Post* would have run McCarthy's column for eighteen years if we thought it was too liberal." He also denied having told McCarthy he had become "just a budget item."

In his farewell *Post* column McCarthy recalled his nearly-three-decade-long effort to seek out "the experts at love." Wherever he went, he wrote, "unfailingly I could find someone or some group — usually unnoticed — advancing human possibilities." The Creators Syndicate has offered to take up the column.

Germond turns down the decibels

After Jack Germond late last year quit the syndicated *McLaughlin Group*, the weekly pundit roundtable, some viewers wondered whether the longtime Baltimore *Sun* political columnist had finally become fed up with a show more renowned for its decibel level than its contributions to civilization.

But Germond, 69, tells *CJR* his departure was simply about "mechanics." "I didn't quit because of the content of the show. I'd been doing it for about fifteen years and it would have been pretty hypocritical to quit now because of that." Citing host John McLaughlin's increasing use of people who weren't regulars and his

tendency to stretch out the Friday taping sessions for hours by "fooling around," Germond adds: "What happened was that every Friday I was getting pissed off. One day of the week I'd be pissed off."



Pundit emeritus Germond

ILLUSTRATION / MARCELUS HALL

Still, he had made no secret of his opinion of the show and the host. In *Why America Hates the Press*, a PBS documentary that aired in October, Germond said he did his time on *The McLaughlin Group* in order to put his daughter through medical school. (Jessica, now a medical resident, has finished the expensive part of her education.) As Germond says, "I never had any illusion that it was journalism. I never defended it. It was entertainment. And I think that used to irritate John, because he thought it was journalism."

Sayonara to Worldbusiness

When KPMG Peat Marwick, a Big Six international accounting firm, decided to raise its visibility and burnish its image by launching a sophisticated magazine about the brave new world of economic and political globalization, skeptics questioned how independent-minded the wholly-owned quarterly (later a bimonthly) could really be. But from the first issue in January 1995, the New-York-based staff of *Worldbusiness* under editor John Van Doorn, 63, surprised the doubters with a keen and feisty book that featured writers ranging from éminences grises like Lester Thurow and Kevin Phillips to enfants terribles more often found in the pages of *The Nation* or *Wired*.



Editor Van Doorn



No longer. *Worldbusiness* folded in December with just two weeks' notice to the staff. Insiders say that after a change in its top management, KPMG grew increasingly impatient with a magazine that encouraged trade with Cuba and profiled the maverick financier Sir James Goldsmith, who is famous for arguing against globalization. Losses in the millions were also a factor — and no wonder. At least two writers report that the business magazine owned by one of the largest accounting firms in the world paid each of them twice — and one of them narrowly escaped a third payment — for the same article.

Stephanopoulos goes pundit

As the articulate and telegenic senior adviser to President Clinton, George Stephanopoulos often appeared on such "newsmaker" programs as ABC's *This Week* to deliver the administration's latest spin. Now Stephanopoulos, 36, who retired from the White House in



This week with Stephanopoulos

January, will be an articulate and telegenic commentator for ABC News, often appearing on *This Week* to deliver his opinion of the administration's latest spin.

This swift transformation from spinmeister to pundit has distressed some in journalism. A *Wall Street Journal* op-ed piece called on ABC to demand he come clean about his knowledge of the Clinton scandals the next time the subject comes up on the program; *The New York Times*'s Max Frankel lamented in the *Magazine* that political analysis of the president would now be provided by "one of the architects of [Clinton's] presidency who just happens to owe his celebrity and new job entirely to that president."

But Stephanopoulos, who will also be writing a book and teaching political science at Columbia University, doesn't see it that way. As he told *CJR*: "Television today is a lot more like the op-ed page at *The New York Times* than the BBC with a monopoly on the news. The roundtable on *This Week* is the equivalent of a regular op-ed page. I am self-consciously there to portray opinions and analysis. And while I don't belittle the importance of objectivity, I don't particularly buy the notion that pure objectivity is always more illuminat-

ing. I'm proud of what I've done and I think my experience gives me something useful and valuable to contribute."

A fast climber steps on the slow track

People in the news business often pride themselves on cultivating a fine frenzy, and Paul Sagan, 38, has held some of the most frenzied jobs of all. He has been news director at CBS, he designed and launched the twenty-four-hour news channel New York 1, and most recently he was the richly rewarded president and editor of new media at Time Inc. Now he's putting his beeper on hold and leaving his job for "an eighteen-month adventure" — six months in Aspen, Colorado, and a year in Paris. He'll do a little consulting and a lot of reading, writing, reflecting, skiing, and traveling with his wife and their three primary-school-age children.

CJR asked him about his unusual decision to call a temporary mid-stream halt to a booming career.

"In my business there's so much turmoil and moving around," Sagan said. "When I first went to CBS, the belief was that you stayed forever. Then suddenly that myth was shattered. A lot of people woke up and realized that this was not a forever relationship, and it was pretty embittering. But it taught a lot of people my age that the rules have changed. You have to be responsible for your own life."

"I'm not advocating that companies have the right to retire anyone on a day's notice when they're having a bad morning. But I think the idea that you get out of college and forty years later there's retirement — that's not realistic."


"I have three Emmys at home, and that's great for the ego, but it doesn't mean anything compared to being with my kids. I also think that by stepping out for a little while, I may get a better perspective. Everything's moving at blinding speed, but yet not very quickly at all. It's easy to get caught up in short-term trends for the sake of progress, but a lot of it is spinning as opposed to moving forward. It won't be all done eighteen months from now."



Sagan leaving

IN MEMORIAM

Mohamed Amin, 1943-1996. Amin, the Kenyan cameraman whose haunting footage of the 1984 famine in Ethiopia first drew world attention to the crisis, was killed on November 23. He was a passenger on the Ethiopian Airlines jet that crashed into the Indian Ocean during a takeover by hijackers.



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Yugoslavia: Death of a Nation.



Darts & Laurels

◆ **DART** to WGST-AM/FM, Atlanta, for beclouded judgment. To enhance its listeners' appreciation of the recent congressional hearings on the ValuJet air crash, the radio station's news department produced a sensational audio aid — a dramatic one-minute, fifty-one-second, staged reenactment of the plane's last moments, complete with static and beeps, shouts of "Fire!," and anguished cries and screams. Defending itself against the storm of criticism that followed the airing (three times) of the tape, WGST told *The Atlanta Journal-Constitution* that no family members of ValuJet victims had called the station to complain.

◆ **DART** to KQED, San Francisco, for driving a documentary while under the influence. The PBS station proposed to produce a film about the life of California winemaker Robert Mondavi — a project into which the Mondavi-founded and -funded American Center for Wine, Food, and the Arts would pour some \$50,000. According to *The San Francisco Bay Guardian*, which uncorked the story in October, it was only after a dissident member of the KQED board protested the apparent conflict that the board mulled things over and put the project on ice.

◆ **LAUREL** to the *Arkansas Democrat-Gazette*, associate editor Mary Hargrove, and education writer Susan Roth, for a head-of-the-class report on an inexcusable failure. The five-part series "Code of Silence" (September 8-12) documented the remarkable aptitude of Arkansas educators for protecting — even recommending to other districts — teachers and administrators accused and/or convicted of serious crimes involving theft, violence, or sexual assault. Drawing on more than three hundred Freedom of Information requests, as well as on interviews with more than eighty educators, law enforcement officers, legislators, and relatives of abused students, the series included thirty-six case histories of school employees — superintendents, principals, and coaches; science, math, and biology teachers; elementary level, special ed, and substitute teachers; bus drivers and security guards — who had recently been in court. The series also examined the state's uncommendable teacher-licensing process, which appears to have been marked not only by a lack of enthusiasm for conducting background checks on applicants, but also by habitual tardiness in revoking the licenses of convicted felons. Within days of publication, legislators were calling for hearings, the education department was drafting new laws to ease the revoking of licenses, and the governor was announcing support of background checks for all teachers, to be paid for by the

state. For their part, educators, presumably, had learned that protecting students, rather than teachers, would have been by far the better way of protecting their schools from the scandals they tried so hard to avoid.

◆ **DART** to *TV Guide*, for an incomplete listing. In its December 28-January 3 issue, the magazine published a glowing endorsement of the proposed new program-ratings system, characterizing the industry-backed, age-based plan as being "familiar," "comprehensible," "uncluttered," "direct," "uncomplicated," "useful," "easy-to-understand," and "better equipped to gauge the important subtleties of tone and intent" than the "arcane" and "blurry" content-based plan advanced by children's advocacy groups. The editorial neglected to note that the alternative plan, in which programs would be labeled in terms of their sexual content, violence, and language, poses a serious financial threat to a network overloaded with violent and prurient shows — namely, Fox, a sibling of *TV Guide*.

◆ **DART** to Scott Gremillion, sportswriter for the *Baton Rouge, Louisiana, Advocate*; Reynolds Holding, reporter for the *San Francisco Chronicle*; and Scott Allen, reporter for *The Boston Globe*, latest nominees for membership in the Curious Coincidences Club. Gremillion's June 23 profile of Chanda Rubin, Louisiana's rising young star in women's professional tennis, netted seven passages that, word for word, perfectly matched passages that had earlier appeared in Jill Lieber's April 8 story in *USA Today*. Holding's October 28 front-page story, which purported to expose an official cover-up of abuses at Corcoran State Prison, disclosed details documented two months earlier by reporter Mark Arax in the *Los Angeles Times*. Allen's lead on a three-part series, "Nuclear Twilight in New England" (September 29) contained surprising similarities to the lead on Michael Remez and Mike McIntire's two-part series, "Northeast Utilities: A Fall from Grace," starting on May 19 in *The Hartford Courant*.

◆ **DART** to the Montgomery, Alabama, *Advertiser*, for repressing its institutional memory. The paper's twenty-one-paragraph obituary on retired Navy Rear Adm. John G. Crommelin — the lead story on the first page of its second section on November 5 — was unrestrained in its admiration for a local "hero" of World War II, citing his "daring exploits," "superb skills," "unwavering love of the service," and "outspokenness . . . as the savior of naval aviation," and quoting colleagues who called him a "true American patri-

ot" deserving of "high praise." It also mentioned, in passing, that after retirement from active duty in 1950, the admiral had "immediately embarked on a series of unsuccessful campaigns for the U.S. Senate." Noticeably missing was any signal to the nature of those Senate campaigns — an oversight remedied by a reader's letter to the editor published on November 17. Quoting from campaign handouts, the reader noted Crommelin's promise that a vote for him would be a vote against the "Communist-Jewish Conspirators" [whose objective it is to] "destroy Christianity, . . . eliminate all racial distinctions except the so-called Jewish race, which will then become the master race with headquarters in Israel and the United Nations . . . and from these two communications centers rule a slave-like world population of copper-colored human mongrels." The "hero article," the reader observed, "brought back the painful memory of the support Crommelin had received from some of the most influential people in Montgomery. Evidently his racist politics remain unimportant to the *Advertiser* and can be ignored by many of the same folks who were around back then."

◆ **DART** to *Forbes* magazine, the "Capitalist Tool," for a misguided turn of the screw. When James Robbins, president of Cox Communications, offered to participate in a panel being organized for a *Forbes*-sponsored conference for Wall Street analysts on the future of telecommunications, he was told by *Forbes* that the magazine was putting together a twenty-six-page advertising section on the subject, and that if he wanted to be on the panel, his company would have to buy an ad. As noted in a September 18 story in *The Wall Street Journal*, other business publications that also sponsor conferences, such as *The Economist*, *Fortune*, *Business Week*, and the *Journal* itself, make no such stipulation, thus avoiding the apparent conflict of requiring companies they cover to purchase ads.

◆ **LAUREL** to *New York* magazine and free-lance writer Katherine Eban Finkelstein, for the November 25 cover story, "Bad Blood?" a bone-chilling report on allegations of tainted practices at the New York Blood Center, the city's largest supplier of blood. Drawing on more than six years of internal documents and FDA inspection records, as well as on extensive interviews with former and current employees and industry experts, Finkelstein's five-month investigation pinpointed a pattern in which — with the approval of their supervisors and the encouragement of ill-advised productivity bonuses offered by managers under increasing financial pressure — technicians allegedly cut corners, doctored slides, falsified test results, destroyed records, lied to health inspectors, and shipped adulterated blood products around the world. On December 16, the U.S. Attorney for the Southern District of New York announced that the government had simultaneously filed a civil suit and a consent

decree to remedy violations by the center and three of its officers.

◆ **DART** to KENS-TV, San Antonio, Texas, for perverting the principle of the public's right to know. After a provocative warning to viewers of a November sweeps-week newscast that the content of an upcoming report was so offensive that children should be sent from the room and some adults should shut their eyes, anchor and managing editor Chris Marrou presented reporter Al Zimmerman's update on a story the station had aired during an earlier sweeps-week program in July — namely that, police crackdowns notwithstanding, the men's room at a local public park was as popular as ever as a place for homosexual trysts. What's more, thanks to the miracle of hidden cameras, there were plenty of visuals to prove the point: two separate sequences in the three-and-half-minute report showed men explicitly, graphically, unmistakably engaged in oral sex. Later in the program, when calls from irate viewers were burning up the wires, the anchor and the sports reporter piously denounced the segment. "I think it's probably the result of a continued attempt to get ratings," Marrou told the audience. "I apologize to you." "I want to compliment you on your message," the sports reporter said. "We're not that hard up for ratings and never will be. I'm sorry it happened." Such is the state of public cynicism, however, that Jeanne Jakle, TV critic for the *San Antonio Express-News*, suggested in her November 16 column that even those apparent ad libs had perhaps been part of an anything-for-ratings script.

◆ **DART** to *The Detroit News* and the *Free Press*, for overcharging at the mall. The long-awaited August opening of a brand-new advertiser, the upscale Somerset North shopping center, occasioned a promotional spree by the jointly operated papers that included countless column-inches of news stories, sidebars, photos, and maps; two four-color special sections produced by news-staff members; and page-one announcements that still more details on the mall could be found on display at the papers' very own website.

◆ **DART** to the *Louisville Courier-Journal*, for putting itself into a compromising position. A front-page article on the robust reemergence of adult entertainment in the city was accompanied, in the early editions of September 23, by a titillating photo of a scantily clad exotic dancer performing a revealingly high kick. As later editions appeared, the page-one cheesecake stayed stubbornly in place — with one notable change: in a triumph of graphic allure over graphics ethics, the dancer's costume had been lengthened sufficiently to cover her crotch.

This column is compiled and written by Gloria Cooper, CJR's managing editor, to whom nominations should be addressed.

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Punishing the



THE PUBLIC PASSES SOME TOUGH JUDGMENTS ON LIBEL, FAIRNESS, AND "FRAUD"

by James Boylan

The 1990s have been a humbling time for journalism, particularly investigative television journalism. An NBC News magazine program had to apologize for fakery in its investigation of General Motors trucks; ABC and CBS both backed down under pressure from tobacco corporations, with ABC settling a \$10 billion libel suit out of court and apologizing on the air.

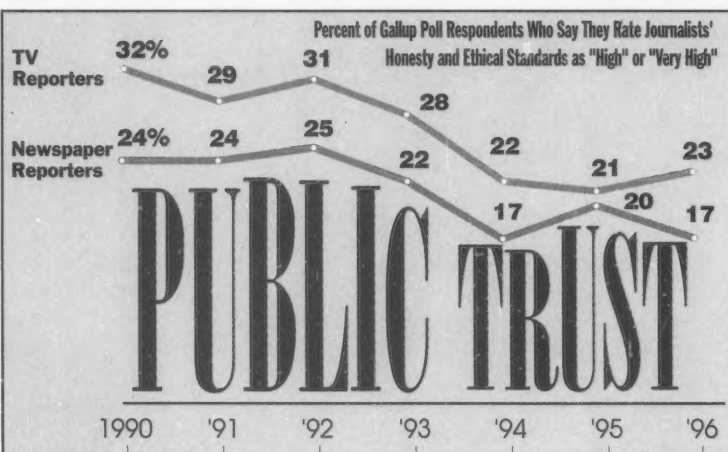
Three recent cases have deepened an already pervasive unease among journalists, for each was a reminder that not only are journalists mired in an intense legal struggle but also that their relationship with the public has become dysfunctional. The three investigative projects that came under scrutiny each started with strong public-interest intentions — one to alert unwary investors, another to warn consumers about unsafe food, and the third to inform travelers about unsafe airline procedures. Two of the three programs received professional awards. But in three states, panels of citizens — two juries and a news council — overwhelmingly decided that journalists had gone too far off the track, less in what they covered than *how* they covered it.

◆ In Miami, a jury on December 18 gave the year's biggest libel award — \$10 million — to banker Alan Levan and BankAtlantic Financial Corporation, a bank holding company, in a

James Boylan, CJR's founding editor, is professor emeritus at the University of Massachusetts, Amherst.

libel suit over a segment in 1991 on 20/20. The ABC newsmagazine charged Levan, the bank's chief executive officer, with hoodwinking investors into buying bonds that were destined to become worthless. But the judge barred jurors from hearing what

producers to get Food Lion jobs. The producers faked résumés, were hired, and once inside used concealed cameras to document their exposés. In its first verdict, the jury awarded Food Lion only \$1,402 in actual damages, but a month later it imposed punitive dam-



the defense considered clinching evidence — that those same investors had sued Levan to recover their losses. The investors settled with Levan out of court and, because the verdict against him was vacated, the libel judge ruled that the jury could hear nothing about it; Levan was given a clean slate.

◆ In Greensboro, North Carolina, two days later, another jury found that another ABC News magazine, *PrimeTime Live*, had defrauded and illegally trespassed on Food Lion supermarkets. Seeking to show that Food Lion was selling dangerously tainted meats, *PrimeTime Live* sent undercover

ages of \$5.5 million — far short of the up to \$1.9 billion Food Lion asked but hardly pocket change. The question of the truth of what ABC broadcast in 1992 — whether Food Lion in fact endangered the health of those who ate what it sold — never came up. This was not a libel trial, in which Food Lion's first hurdle would have been to prove the broadcast false. Food Lion ingeniously chose instead to accuse ABC of fraud in the reporting process. (Food Lion insisted outside the courtroom that the story on ABC was libelous but after the broadcast reformed its food-handling practices.)

MOHET/CEI

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PRESS



STEVE FENN/ABC



JONATHAN ELEY/ABC



WCCO-TV

From top:
John Stossel,
ABC News
Diane Sawyer,
ABC News
Don Shelby,
WCCO-TV

◆ In Minneapolis, the twenty-six-year-old Minnesota News Council, a non-official body of twelve active and former journalists and twelve community leaders organized to examine complaints about the news media, voted 19-2 to uphold a complaint against WCCO-TV, Minneapolis. Northwest Airlines charged that the television station "painted a distorted, untruthful picture" of the carrier's safety practices in a series that won a regional Emmy award. No monetary damages were involved, but WCCO-TV was badly bruised.

There was more. In Houston, a jury gave a \$5.5 million libel award to a Texas state representative who was running for mayor after a local station, KTRK-TV, charged that he had engaged in an insurance scam. In Pecos, Texas, a jury awarded \$5 million in punitive damages to a company portrayed in Michael Moore's quasi-journalistic *TV Nation* as spreading toxic sludge over a Texas ranch. In Atlanta, NBC News eluded a possible libel suit for Tom Brokaw's on-air statements about Richard A. Jewell, who was for a time the chief suspect in the Olympic bombing last summer; the network reportedly paid him more than \$500,000 to settle — and Jewell's lawyers threaten to sue many other broadcasters and newspapers.

Shaken by these setbacks, the Food Lion case in particular, Bruce Sanford, a veteran First Amendment lawyer, predicted: "You can expect journalists in the wake of this to give us more stories about Dennis Rodman and

Madonna instead of more stories that are important to us." Added Jane Kirtley, executive director of the Reporters Committee on Freedom of the Press: "The specter of a verdict of this magnitude . . . will have a chilling effect on investigative journalists all over the country."

But many journalists, notably on the print side, were not so sure. Columnist A.M. Rosenthal said in *The New York Times* that by going undercover at Food Lion, ABC investigators were doing what they would "never willingly allow done to themselves." He added that he had not yet encountered a story that merited misrepresentation. (In fact, the *Times* occasionally has used undercover reporters — sometimes for such serious purposes as an exposé about the abuse of immigrant labor, sometimes otherwise, as when a *Styles* section writer disguised as a doorman winnowed the crowd outside a New York night spot called Chaos.) Columnist Jonathan Yardley charged in *The Washington Post* that what ABC did was close to entrapment. Lewis Lord, in a column for *U.S. News & World Report*, warned that TV muckraking was becoming thin and sensational, just like the original turn-of-the-century muckraking when it went into decline.

Clearly, many journalists are gripped by a crisis of confidence as they face serious professional questions, legal challenges, and public skepticism. The targets of investiga-

tions, notably corporations, are willing to throw every legal resource into retaliation. They have found ever more ingenious ways around constitutional barriers, most recently the groundbreaking charge of fraud employed in the Food Lion case.

Those who speak for television journalism have reacted with a kind of astonished naïveté, as if their avowals of good faith were an adequate reply to legal questions. Only now, it appears, is television journalism discovering that it is treading on shaky ground.

Most of the great libel battles of recent years have involved print publications. They have long since learned that, contrary to what many journalists thought after the 1964 Supreme Court decision in *Times v. Sullivan*, plaintiffs, even public figures, can win libel suits. *Sullivan* provided an "actual malice" loophole — the opportunity to prove that a journalist knowingly published a lie or acted in "reckless disregard" of the truth. At first the loophole looked too tiny for plaintiffs to use, but they eventually learned that it could be employed to turn newsrooms inside out, to examine every embarrassing slip in method or judgment.

In the past six years, juries have awarded a quarter of a billion dollars in libel damages. Even when the damages are vacated on appeal — as they

are in almost half the cases — the news organization has been put through a protracted ordeal. A libel suit by an assistant district attorney against *The Philadelphia Inquirer* lasted twenty-three years; the *Inquirer* settled in 1996 for an unspecified amount, but at the time the newspaper owed the plaintiff \$24 million in damages. The *Inquirer* or ABC News may be able to bear such burdens, but similar penalties and distractions have crushed or bankrupted smaller news organizations.

As *The Wall Street Journal* reported in the aftermath of the Miami case, there has been a sharp upswing in libel awards. True, awards did rise in 1996 after several slack years. But big libel awards against news media have been a continual phenomenon of the 1980s and 1990s. The libel damages awarded in 1996 — \$22.7 million — come nowhere near matching the disastrous years of 1990 and 1991. What may be new is that television journalism may get a larger share of big-money lawsuits, most of which have involved, and still involve, news-papers.

Just as seriously, the Levan and Food Lion cases demonstrate that plaintiffs are stepping up attacks on the newsgathering process, especially as it has developed on television news magazines — the hidden camera, the ambush interview, the disguised identity. The Food Lion case involved charges of trespass and deception in gaining access to the news site; Levan's attorneys picked on a segment misleadingly depicting a congressional hearing. Neville L. Johnson, a Los Angeles plaintiffs' lawyer, says he has eight lawsuits pending against the networks involving the use of hidden cameras or undercover reporters.

Many journalists mistakenly assume that the First Amendment protects reporters wherever they choose to go, whatever they may do in the pursuit of a story. Courts have never supported these assumptions. For example, the Watergate generation of investigative reporters contended that the First Amendment protected them when they

concealed the identity of sources to whom they had promised confidentiality, even in some instances when they might have seen the source committing a crime. The unfriendly Warren Burger Supreme Court rebuked them in no uncertain terms. While it noted in *Branzburg v. Hayes* (1972) that journalism was entitled to "some protection for seeking out the news," it took a narrow view of that protection. Justice Byron White snidely suggested that journalists believed it was "better to write about crime than to do something about it." The court ruled that reporters could not use a First Amendment plea to excuse themselves from revealing the identity of sources to courts and grand juries. It took years, and many days spent in jail for contempt, before there was a truce, with prosecutors agreeing to demand sources only when there were no reasonable alternatives.

THIS GENERATION IS STARTLED TO FIND THAT ITS NEWSGATHERING PRACTICES ARE VULNERABLE TO LEGAL ATTACK

The court added in *Houchins v. KQED* (1977) that the First Amendment did not authorize reporters in pursuit of news to go where the public could not go (in this case, the innards of a prison). At less elevated levels, courts again and again have denied the right of journalists to commit even minor illegal acts in pursuit of a story — as when a television crew was snagged for trespass when it tried to film overcrowding at a Manhattan restaurant.

Since those days, a new generation has entered journalism, most prominently in television. It has lived in a time when the Supreme Court, if not friendly, has been at least quiescent. There has been no major decision on libel, confidentiality, or newsgathering in the past five years. This generation

is now startled to find that its newsgathering practices, while they often hype ratings, are vulnerable to legal attack. The struggle has not yet reached the Supreme Court. It is being waged at the civil trial level, where the press, usually so remote from the public, is subjected to unfriendly scrutiny of the ordinary — and extraordinary — people who turn up in jury pools.

Some media commentators depict these jurors as the public's avenging angels, fed up and out of control. Verdicts might be easier to explain away if that were true. Yet it is hard to see vengeance in the comments of the jurors of the Food Lion trial. With one exception, they viewed the damages they imposed as a mere reprimand, a mild enough punishment for engaging in gratuitous deception. The widespread comment in letters to newspaper editors has centered on the same issue — whether news media can disregard the law, can engage in actions forbidden to ordinary citizens or even the police.

Far from spinning the recent decisions as unfair, misguided, or the result of legal trickery, as so many TV producers and network executives did almost as a reflex action, it may be time to take the public's message seriously. One way to react to these decisions is to ask whether too much of investigative journalism on television, whether intended to serve the public or lift ratings (and thus increase profits), is too often brittle, showy, and mean-spirited — besides dancing along the edge of the law. In Minneapolis, it appeared, the problem was glitz — overbilling what the exposés of Northwest Airlines could actually deliver. (The news council, in fact, had a separate vote condemning the promos for the series.) In Miami, *20/20* ultimately seemed to aim more at the destruction of one man's reputation than at its ostensible goal of protecting investors. And the Food Lion story, with its espionage-like technology, may have called more attention to its means than to its substance.

It is possible to look at public-opinion polls and conclude that journalism is no worse thought of than many other occupations. But that is probably not

good enough for a profession that often claims superiority in truth-telling and ethical standards and condemns the standards of others. And the public belief that journalists exercise high standards has been dwindling through the 1990s; the goodwill and respect are being used up.

Unfortunately, polls are highly inarticulate. What does the public want of journalism? If one looks carefully at the cases anatomized in these pages, it is possible to make a guess. The message of the juries and the news council is not a call for timidity, but for more generous and fair-minded

journalism — in particular, television investigative journalism that does not oversell itself, cut legal corners, or indulge in overkill. Such investigative journalism can still be strong while gradually helping — or so one can hope — to restore public confidence in the press. ♦

The Legacy of Richard Jewell

by Ellen Alderman and Caroline Kennedy

When the finger-pointing has stopped and the juicy settlement is no longer news, something lasting may actually come out of the Richard Jewell episode. And it isn't what many people think.

NBC settled a threatened libel suit with the Atlanta security guard before a claim was even filed (see "Critic at Large," page 16), and later, CNN did the same. But because no court ruled on the issue, no legal precedent was set. And Jewell's attorneys' much-publicized plan to sue even local radio stations is based on conventional libel theories unlikely to break new legal ground.

But less well known, and potentially more important, is the legal team's plan to sue for invasion of privacy on behalf of both Jewell and his mother. L. Lin Wood, one of Jewell's lawyers, says the plaintiffs will argue that the intense press surveillance amounted to an "intrusion upon their seclusion."

Historically, such claims against the press have not met with much success. But in recent months a handful of plaintiffs with similar claims have prevailed, or at least been allowed to go to trial. For example, a Pennsylvania couple sued when two *Inside Edition* reporters investigating the steep salaries of executives at U.S. Healthcare surreptitiously surveilled the suburban home of the daughter and son-in-law of the c.e.o (both of whom have top jobs at the company), followed them and their children to and from work and school, and trailed the whole family to their vacation home in an exclusive Florida enclave. A federal district court in Pennsylvania allowed the couple to proceed to trial and ordered the reporters to stop engaging in conduct that "invades the privacy" of the family.

That case and others, indicating that courts are willing to weaken First Amendment protection for news gathering, have alarmed media attorneys. If such cases signal a trend, and Richard Jewell continues that trend in a highly publicized lawsuit, he may indeed have an impact on First Amendment law. But for now, based solely on the libel claims, New York media attorney Robert Sack says, "For



Richard Jewell

lawyers, there has been no sea change from Richard Jewell. I would not change my advice to clients at all."

Still, has there been a sea change for journalists? Tom Johnson, president of CNN News, says, "I know at CNN more care will be taken through the entire process." He feels CNN's reporting on the Jewell story was "accurate and fair," but acknowledges the tremendous pressures of deadlines and competition and says

CNN must work harder not to get caught up in the "frenzy." Johnson says reporters will have to make more of an effort to put sources on the record and to "dig, dig, dig" for information on the side of the suspect, and that editors have to show greater restraint in deciding where to place the story.

Jonathan Alter, columnist and senior editor for *Newsweek* and contributing correspondent for NBC, agrees. Alter says that even if the media could legally cover the Jewell story in the manner that they did, "[Jewell] was still wronged, mostly by the FBI, but also by the media." He adds that "Doing everything we legally can has been disastrous for the reputation of the press in this country. We have to draw a distinction between the right to do something and the right thing to do."

Both Alter and Johnson say this distinction is especially important in reporting on criminal investigations, because, says Alter, "prosecutors and law enforcement have too much power to manipulate the press." Johnson says, "You have to wonder, were we being used in part? I think all of us will be more careful when law enforcement sources provide us with names of suspects and prime suspects."

Maybe in the end Richard Jewell's legacy will be the best of both worlds. There will be no setback in the First Amendment rights of the press, but the press will be more careful in gathering information and reporting stories about ongoing criminal investigations. ♦

Ellen Alderman and Caroline Kennedy are attorneys who co-authored two best-selling books, *In Our Defense* and *The Right to Privacy*.

In Greensboro:

Damning Undercover Tactics as "Fraud"



CAN REPORTERS LIE ABOUT WHO THEY ARE? THE FOOD LION JURY SAYS NO.

by Russ Baker

U.S. District Court Judge Carlton Tilley Jr. spoke softly, as did the attorneys, so the assembled television, radio, and print reporters had to strain to hear every word in the low-ceilinged, carpeted, sound-muffled courtroom in Greensboro, North Carolina. As hard as it was to hear, it was even harder to remember sometimes what the ballyhooed *Food Lion v. Capital Cities/ABC* case was really about — and not about.

It was not about the merits of ABC's 1992 *PrimeTime Live* report, which chronicled what appeared to be a range of stomach-turning food-handling practices in deli and meat departments of the grocery chain, based in Salisbury, North Carolina. *Food Lion v. ABC* was not a libel case. Although the 1,100-store chain has maintained that the report was false, it did not sue over the question of truth.

Neither was the case about ABC's use of hidden cameras — lipstick-size lenses that, in this case, were worn

Russ Baker is an investigative print reporter who has worked in television. He previously wrote about PrimeTime Live and hidden cameras in CJR's July/August 1993 issue ("Truth, Lies, and Videotape") and in the March/April 1995 issue ("A Million-Dollar Peek").



ABC's Sawyer in the disputed broadcast.

under the wigs of two *PrimeTime* producers working undercover in three Food Lion stores, battery packs strapped to their backs and microphones concealed in their clothing.

Technically, the trial revolved around whether producer Lynne Dale and associate producer Susan Barnett had improperly obtained their jobs in North and South Carolina Food Lion stores, essentially duping the company into thinking they were experienced, enthusiastic deli and meat department workers. The grocer's aggressive

lawyers — a team from North Carolina and another from the powerful Washington, D.C., firm of Akin, Gump, Strauss, Hauer & Feld — spotted a hole in the way *PrimeTime* got the story and drove a truck full of dynamite through it.

Devising a comparatively new strategy, Food Lion managed to transform a business catastrophe into a public relations triumph, winning a \$5.5 million award and leaving journalists with a whole new set of problems.

The Food Lion case, at its core, is

PRIME TIME LIVE/ABC-TV/NEIDA RESEARCH CENTER

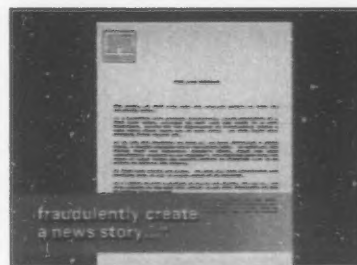
really about the extent to which journalists must be candid about who they are. Thus it has potential implications for any journalist, print or broadcast, attempting an Upton Sinclair — temporarily taking a job inside an organization to flush out deplorable conditions and practices, corruption, or other malfeasance. Floyd Abrams, the First Amendment lawyer, says that there is “nothing intrinsically unique about broadcast journalism as opposed to print journalism which makes the principles in this case more applicable to one than another.”

The jury found that the producers, their bosses, ABC News, and its parent had committed fraud, trespass, and breach of loyalty (an obscure concept that says every employee is expected to do right by his or her employer — in this case, ever so briefly, Food Lion).

Judge Tilley, an amiable man who gave out awards to people in the courtroom for the best neckwear worn during the trial, barred the jurors from watching the actual *PrimeTime* broadcast, and instructed them to assume that the facts presented on television were true. They were only to weigh the legality of the methods used to get inside the castle, and the immediate effect of those methods.

ABC said its own lawyer had cleared the operation as legal. The network also asserted that fraud requires intent to injure, and said it had assumed if the producers performed their Food Lion jobs there would be no such injury. Almost comically, the ABC producers were reduced to swearing that they tried to do their best as deli clerk and meat handler. The jury didn't buy.

Since the trial was not about the *PrimeTime* segment itself, the compensatory damages could not cover the sharp drop in the price of Food Lion stock after the enormously persuasive show aired. It had previously been falling and promptly plunged another 25 percent. Nor could those damages make up for the eighty-eight stores Food Lion closed in the wake of the show, or the \$174 million drop in net income in 1993. Hence, the compensatory damages — the costs associated



From the top: *PrimeTime* shows its producer applying for a job; two producers worked at two meat departments and a deli; the segment showed “old chicken” being repackaged with barbecue sauce; Diane Sawyer interviewed workers; Food Lion’s letter of protest suggested fraud.

with hiring and training two employees who never intended to stick around after they got their tape — were placed at \$1,402.

So how did we get from that paltry sum to \$5.5 million in punitive damages, a figure 4,000 times greater?

Credit the plaintiffs’ lawyers. Their own fraud-and-trespass strategy required them to deal only with the facts of the two producers’ employment, not the broadcast. But no sooner had the jury resolved guilt based on this incredibly narrow set of parameters, than the ace legal team began wildly expanding the horizons before the panel met again to consider the punitive figure.

“Reporters all over the country need to know,” boomed a confident Food Lion attorney, Tim Barber, in his riveting closing argument, “when you cross the line, you’re going to get punished.” At this point the plaintiffs transformed the jury into a kind of focus group on the real motives behind television journalism. The handsome, dark-haired North Carolina lawyer, together with his colleagues, portrayed a network hell-bent on ratings and profits, and willing to lie, stage evidence, and invade people’s privacy to get them.

The plaintiffs rolled outtake footage that at least raised doubts about whether ABC was scrupulously dedicated to the truth. Like didacts, the lawyers underlined, in a dozen different ways, how profitable the show and ABC’s news division is, and how well-rewarded is its staff — Ira Rosen, *PrimeTime*’s senior producer for investigations, made \$215,000 in 1993, they pointed out — for delivering popular episodes. They connected hidden-camera television to that profit motive. *PrimeTime Live* was breaking laws in order to rake in the bucks, an end that hardly justified the deceptive means.

After ABC’s outside counsel — William Jeffress, Jr., from the Washington firm of Miller, Cassidy, Larroca & Lewin — suggested that journalists have special rights, Food Lion’s Barber jumped on the notion: “At heart, ABC is saying there are some stories so important the press ought to be allowed to break the law to

pursue them. Who decides which stories justify it, and which don't? Who decides where that line is drawn? They have appointed themselves the ones to decide when it's all right to cross the line. Do you want to let the press decide when it's all right for them to break the law to protect us?"

Of course, the debate looked very different from the other end of the lens. "What bothers me is: Who are the bad guys here?" asks *PrimeTime*'s Rosen, one of the defendants. "Food Lion was putting the out-of-date food out there.

We were just covering the story. And for that, we get put on trial? That's the Bizarro world, in Superman comic books. That's nuts."

THE IMPACT ON JOURNALISM

Since ABC News intends to appeal, a modest caveat may be in order: "It's too early to tell the result until it's been to the Supreme Court and is in the law books," says Hugh Stevens, a North Carolina attorney and member of the

ABC defense. Rodney Smolla, a First Amendment specialist at William & Mary School of Law, doubts that the \$5.5 million punitive damages award will stand.

Indeed, on February 3, just days after the Food Lion verdict, the California Court of Appeals threw out a \$1.2 million invasion-of-privacy judgment against ABC News in another *PrimeTime Live* hidden-camera case from 1993, this one about telepsychics. The court ruled that Mark Sanders, one of the targets of the segment, did not have a reasonable expectation of privacy in his workplace, and thus could not sue on those grounds. ABC said the court recognized the First Amendment interests at stake, and Roone Arledge, president of ABC News, called the reversal a "vindication of our belief that hidden cameras in undercover reporting can be important and legal tools of investigative journalism."

The First Amendment prohibits any law abridging the freedom of the press. And yet, says Smolla, "There is no First Amendment immunity from ordinary rules of criminal law, and from tort rules that aren't themselves aimed at speech. So the criminal and tort rules that prohibit fraud and trespass apply to the press as they do to anybody else." Still, in Smolla's opinion, an appeals court would find either that the punitive penalties in the grocery store case are excessive under common law, or that their size poses constitutional problems.

Regardless of the ultimate outcome, the Food Lion case has already taken its toll on ABC, financially and emotionally. It has made the network look bad. And the celebrated case has set America's newsroom bosses second-guessing their investigative methods.

During closing arguments, attorney Andrew Copenhaver stood at the plaintiff's table and declared somberly: "Food Lion is not asking the media not to do their jobs." The assembled press smirked. ABC retorted that Food Lion most certainly was. Without deception, its lawyers wanted to know, how could we have shown the public these shockingly lackadaisical, even venal, food-handling practices? The assertions of both sides are worth taking apart.

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THE ACCURACY OF THE REPORT

First, was Food Lion's behavior shocking? Judge Tilley directed the jury to accept that ABC got the story right. Yet Food Lion implied — and at various points seemed to directly state — that ABC had erred.

Just about anyone who saw the November 5, 1992, report was likely to be persuaded that ABC had really gotten the goods. Early on, a Food Lion meat department employee declared, "I've seen my supervisor take chicken out of the bone can, make us wash it, and put it back out. And it was rotten."

Further bolstering *PrimeTime's* story were sworn affidavits from dozens of former and current Food Lion workers, certifying what appeared to be a pattern of pressures by management that led employees to cut costs by any means. (Food Lion sought to discount these people as aggrieved union supporters. The United Food and Commercial Workers Union had targeted the nonunion chain and helped inspire the story. ABC counters that it made clear that many of its sources did not support unionization. And, it argues, verifying its sources' accounts was a primary reason it went under cover.)

Finally, the videotape: we saw, with our own eyes, old meat being redated and put out again for sale, old ground beef being mixed with new, out-of-date chicken getting a coating of barbecue sauce before being relaunched in the gourmet section.

Yet Food Lion attorneys meticulously scoured the cutting room floor for evidence to the contrary. And the outtakes they rolled certainly could give the impression that the *PrimeTime* producers were working overtime to build their case.

In one, associate producer Barnett asks another Food Lion worker what to do with a tray of old poultry and is told to throw it out. Moments later, we hear her muttering a profanity — "damn" — seemingly in disappointment. A second, similar incident takes place when a deli worker decides to clean a meat-cutting

machine. This time, producer Dale is heard mumbling "shit." Food Lion characterized these as evidence of *PrimeTime's* eagerness to play gotcha. (Judge Tilley allowed the outtakes into the case — even though jury members never saw the program itself — by way of letting Food Lion try to prove breach of loyalty on the part of the two producers.)

In their reporting, were Dale and Barnett exaggerating or fabricating? The broadcast, which the jury didn't see, suggests that no exaggeration

was necessary to make the point. As for the swearing, the producers claimed that something else, a reaction to the pounds of hidden equipment in one case, caused them frustration at those moments.

That story sounded like baloney to just about everybody in the courtroom. Reporters at the trial wondered why ABC didn't just own up and note that it's normal to be frustrated when reporters fail to visually document something they believe — from other evidence — to be true.

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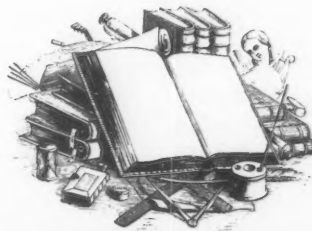
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WHAT ABC DID WRONG

At a minimum, *PrimeTime* pushed the envelope by having its producers falsify their résumés and rig references. "I really miss working in a grocery store, and I love meat wrapping," Dale wrote on her application. "I would love to make a career with the company." Is such a lie permissible even in pursuit of the truth?

Many journalists have argued that ABC could have done its story without violating the law, and that it went with the hidden camera because viewers find it sexy. Indeed, *PrimeTime* said that seventy current and former Food Lion employees had attested to unhealthy food-handling practices at more than 200 Food Lions in on-the-record interviews, and that others had done so off the record.

Food Lion cited the network's own expert witness, Dr. Louis Hodges, who confirmed under cross-examination there were other ways to capture stories. He also testified that most of the nation's best newspapers don't allow their reporters to engage in deception at all.

In fact, many journalists oppose deception because it undermines, by definition, the credibility of the journalistic mission itself: to tell the truth. That's the argument that a Food Lion lawyer made to *Fortune* magazine last December about one of the producers in the case: "She's lied to get in there. She's lied to her fellow employees. Who can say whether she's going to tell the truth about the dates on a piece of meat?" Time Inc., for one, has a rule: "When contacting a subject or a source, you should routinely identify your position and your magazine and state that you are working on an article intended for publication" — unless an exception is approved by the top editors.

Yet there is a journalistic tradition of undercover reporting, in print as well as broadcast, that involves a degree of deception. The 1995 Pulitzer for national reporting went to *The Wall Street Journal's* Tony Horwitz for a series on dead-end jobs that included his undercover work in a chicken plant. Horwitz powerfully recounted

the degrading and dangerous routines on the "disassembly" lines in the poultry industry. On his job application, Horwitz did not note that he worked for the *Journal*; instead he listed "Dow Jones," which, to some people, might look like a poultry wholesaler named "Don Jones." Just last year, Jane Lii of *The New York Times* got a job in a garment factory, and catalogued the brutal fifteen-hour work days and fifteen-minute lunches of an invisible sector of society. Michael Oreskes, the *Times* metro editor, says Lii "was under express instructions to do nothing misleading." Still, she didn't have to make anything up, because the manager simply saw a young Chinese woman and asked if she was ready to work hard.

Actively lying, à la *PrimeTime*, is different from simply not volunteering that you intend to expose an employer to the world, allowing the perception to form that you are just another worker when you are not. But precisely how different is a matter of debate for philosophers and lawyers. And it remains true that people and institutions with something to hide aren't about to invite journalists in to do their thing.

THE TV BURDEN

Perhaps because *PrimeTime* airs more hidden-camera footage than the other half-dozen newsmagazines combined, its people find themselves lying a lot. The man who ran *PrimeTime Live* when the Food Lion segment aired, the show's former executive producer, Rick Kaplan, now executive producer of special projects for ABC News, testified by video that he guessed that in approximately one-third of the instances where ABC employees use hidden cameras, they also make false statements. Kaplan was fined \$35,000 by the jury.

Ira Rosen, who supervises the *PrimeTime* investigative unit and was socked for \$10,750 in punitive damages, is frustrated by what he calls "the high and mighty print press." He notes that newspapers, some of which criticized *PrimeTime*, aren't primarily about pictures.

Today the public, fed for years — mostly by *PrimeTime* itself — on the satisfaction of seeing perpetrators caught in the act, may not easily accept anything other than actual footage. ABC attorney William Jeffress made this point to the jury, citing an acclaimed *PrimeTime* piece on abuses in a nursing home: "It's one thing for a reporter to say, 'I was told a patient was tied to a chair,' but it is quite another thing to say 'I saw it,' and another to record, document it." He also pointed to *PrimeTime* pieces documenting race and age discrimination and mistreatment in veterans' facilities. (Other segments caught day care workers abusing their little charges and inexperienced technicians misreading mammograms.)

On the other hand, Jeffress did not mention *PrimeTime* stories that cheapened the show and diminished the argument for hidden cameras. The episode attempting to prove the earth-shattering charge that telepsychics are phonies comes to mind.

LESSONS FROM THE JURY

Many observers were surprised when the twelve-person jury, half men and half women, took a full six days to reach a verdict in the punitive phase of the trial. One juror felt ABC had done nothing wrong, and wanted the punitive damages to be \$1. Others settled into a range of \$1 million to \$8 million. The most adamant for a walloping penalty was Lois Marie Bozman, a sixty-four-year-old retiree. She was so vehement that the foreman sent in a note to the judge saying that she was being obstructionist. Bozman was passionate when I interviewed her the day after the verdict: if it had been up to her, she said, ABC would have paid \$1 billion.

Her profile is revealing. She is a loyal Food Lion customer who figures she knows her grocery store better than some out-of-state television producer. She says she has never had bad meat there: "I have never seen anything nasty or dirty in Food Lion."

Bozman, an intelligent, forceful, plain-spoken woman, has a long list of

complaints about modern television methods. She is particularly concerned about the invasiveness of the hidden camera and its potential for exaggerating or misrepresenting events. She painted a scenario in which an employee unburdens himself about his employer to a fellow "employee" who is secretly videotaping. "The next day they may feel different about their company, but it's on TV! Nobody should be made to share their inner-most thoughts unless they want to." Here, she seemed to be talking less about the actual fraud and trespass charges than about the potential harm to an essentially innocent employee. Back in 1993, when, on assignment for *CJR*, I interviewed Food Lion employees shown on the segment, several expressed a sense of betrayal by the producers, who befriended and then filmed them.

Because of such tactics, says Bozman, "I don't trust them to do an honest job — not all the way." She spoke of a moment after the verdict, as the jury was heading home for the last time. Bozman, a white southern woman, turned to a black male juror. "I said I'll probably never see him again. And I hugged him. Then I got home and I got to thinking about that. Suppose they'd been there and taping me? Somebody would think I was trying to make this man—his wife would think that."

That same argument about hidden-camera video's potential for creating false impressions was cited by ABC itself, in claiming that the outtakes did not represent what the Food Lion attorneys said they did:

TRICKS OF THE LEGAL TRADE

Food Lion was skilled at exploiting ordinary North Carolinians' attitudes toward arrogant, rich Yankees. For example, Barber displayed for the jury a bar graph, with yellow, red, black, and light- and royal-blue bars representing ABC's profit growth. He cited revenue figures for Capital Cities/ABC of \$6.8 billion in 1995.

People don't think a priest ought to



In Miami: Paying for Technique

by Beatrice Garcia

All Alan Levan wanted in the beginning, he says, was an apology from ABC News for a 1991 segment of *20/20*. He thought it portrayed him as a shifty operator who bailed out his Fort Lauderdale-based savings and loan at the expense of investors in a complex bonds-for-property real estate deal. When ABC ran a clarification that didn't satisfy him, he sued for libel. Last December, after a bitter six-week trial, he won a \$10 million jury award, the largest for libel in Florida history.

The fairness or lack thereof in Levan's real-estate dealings, which had been the focus of *20/20*'s cautionary tale "Too Good To Be True," was not the focus of the libel trial. Remarkably, Levan, after a jury verdict against him in 1992, had settled a class-action suit brought by some of the deal's investors, paying them \$8 million — but the libel jurors weren't allowed to hear about it. Federal Judge C. Clyde Atkins ruled that because the settlement included nullifying the verdict, discussion of the earlier case would be prejudicial to Levan. Instead, when the eleven members of the libel jury agreed that the "gist" of the ABC program was false and broadcast with "knowledge of its falsity," they had clearly focused more on reporting techniques than on the core content of the segment.

In doing so, they reflected a public attitude — and a new reality for TV journalists: what you may think is small stuff can come back to haunt you, and great care must be taken even if the subject of your report seems libel-proof. What the jury condemned was the way John Stossel, a longtime consumer reporter noted for an aggressive style, and his veteran producer, William Willson, put together the fifteen-minute segment.

For example, Alan Fein, Levan's

Beatrice Garcia is executive business editor of The Miami Herald.

lawyer, pounced on one of the opening lines of the broadcast, an announcer's comment that "the man behind it wouldn't talk to us." In fact, Levan and Willson had had a six-hour conversation. But it was off the record. That meant, ABC argued, it couldn't be used; the jury wasn't swayed.

Another scene seemed to show Levan getting a severe lecture from a congressman during a House hearing on real estate deals like Levan's. But evidence showed that Levan wasn't even in the room, and the congressman's comment that he was looking forward to Levan's testimony was cut from the televised segment.

Floyd Abrams, ABC's attorney, insists that all the information ABC gathered from independent financial experts indicated that what Levan offered investors was a "lousy deal" and that ABC's report was basically valid. He has asked that the \$10 million award be set aside and a new trial ordered or that the award be reduced, because Levan didn't prove "actual malice" and the evidence was "insufficient to establish that the gist of the broadcast was false." Otherwise, he says, he will appeal the verdict, partly because of the judge's refusal to let ABC introduce testimony on the earlier case against Levan.

Joseph Angotti, a former NBC executive who is communications studies chairman at the University of Miami, says the case may force the media to "back away from questionable techniques," adding: "The news business has become more sensational and more titillating and less responsible. And then everyone acts surprised when there is backlash from the public."

Would it have made a difference if the jury had heard of the earlier verdict against Levan? Its foreman, Wilson Florez, doesn't think so. "ABC," he told the *Miami Business Review*, "still didn't report in a very balanced manner." ♦

be getting rich. They experience some dissonance when they hear a media organization talking about lofty objectives while someone else is pointing to that organization's vast wealth. "When they set out to do these stories," says juror Bozman, "they're out to make money."

The problem for journalism, of course, is that news organizations *are* out to make money — more than ever before. The pressures to do so are unrelenting. So it becomes easier to argue, as Food Lion's lawyers did, that no well-paid producer dares return home empty-handed, after promising a big score with a story and spending his or her employer's bundle. "Serious journalists don't always bat 1.000," a Food Lion lawyer asserted. "Miss Barnett has."

Another tactic was to make clear to the very North Carolina jury that there was a sinister big-city force here to be reprimanded. References to sending a message to executives in "New York" were common. So were what appeared to many journalists at the trial a not-very-subtle anti-Semitic appeal. The Food Lion attorneys, after speaking almost fondly of Diane Sawyer, the on-site correspondent on the story, repeatedly lit into producers Rick Kaplan and Ira Rosen. There were frequent references to Rosen's full name in closing arguments, and the names of other ABC News employees with Jewish surnames. Later, while trying to persuade the jury to award punitive damages in order to make ABC reform itself, Barber compared ABC, for illustrative purposes, to a fictitious "Fagin" family, which knowingly buys stolen hubcaps for its junkyard. Food Lion repeated Barber's Fagin analogy in a press release.

THE MISSING PAPER TRAIL

True to most lawyers' advice, ABC had no paper trail to show what process it went through in deciding the operation was on sound legal ground. One staff attorney, Jonathan Barzilay, testified that he gave producers an oral

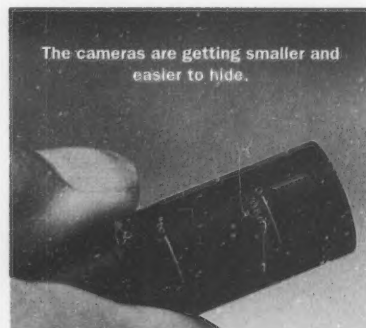
green light. When he testified via video deposition Barzilay was fairly vague in his recollections of what he had told to whom. The producers said he had assured them they weren't breaking any laws. He didn't remember too many particulars.

The jurors, prompted by the plaintiff's counsel, found all this suspicious. "Barzilay kept saying I don't know, I don't have any papers, I can't recall," says juror Bozman. "When you're working for a big business and going into an important, important thing like this, wouldn't a smart lawyer keep papers on it?"

WHO WILL BE CHILLED?

North and South Carolina don't ban the use of hidden cameras, but a growing number of states do. (A resource guide on laws about surreptitious recording, video and audio, can be found on the website of The Reporters Committee for Freedom of the Press — <http://www.rcfp.org>.) Yet although no numbers are available, the networks all have hidden cameras, and local television stations throughout America have added them to their arsenals in the last few years. Advancing technology has made them easier to hide, as small as a lipstick. And, as Food Lion's lawyers pointed out, they can jolt ratings.

Adam Shapiro, the reporter covering the Food Lion trial for the local NBC affiliate, WXII, told me his station is awaiting delivery of its first mini "lipstick-cam," and that he is looking forward to employing it. But only after careful consideration. ♦



The cameras are getting smaller and easier to hide.

In Minneapolis:

Ruling

by John J. Oslund



Every profession has its touchstones. For journalists, the touchstones are honesty, accuracy, fairness, and truth. For airlines, the touchstone is safety. So when television journalists allege that an airline is deliberately jeopardizing the safety of its passengers, well, those are fighting words.

Combine those provocative words with sensational TV promos showing an airplane apparently heading for a crash, and you have a dogfight of extraordinary dimensions. This was the backdrop for the journalistic drama in Minnesota pitting the CBS affiliate WCCO-TV and its award-winning investigative reporter and anchor Don Shelby against Northwest Airlines, the nation's fourth-largest air carrier.

Arguing that the two-part series totaling some twenty-three minutes that aired during the April sweeps rating period had "dishonored" its reputation, the Minnesota-based airline took its complaint not to court but to the Minnesota News Council, an independent nonprofit organization. For twenty-six years it has quietly been adjudicating complaints against the state's media outlets.

After agreeing to leave their lawyers at ringside (complainants must waive their right to sue for libel before the council will hear the dispute), representatives of both parties climbed into the public arena to duke it out over WCCO's I-Team series (the "I" stands

John Oslund, a reporter and editor for the Minneapolis Star Tribune who has covered Northwest Airlines, is currently a Knight-Bagehot Fellow at Columbia's Graduate School of Journalism.

a Prizewinner Unfair

THE STATE'S NEWS COUNCIL CENSURES A
BROADCAST AS "UNTRUTHFUL" AND "DISTORTED"

for Investigative) and the promotional spots that advertised it.

The winner would take home no monetary damages, nor would the loser be able to appeal. At stake for both the airline and the station were honor and reputation — no more, no less. At stake for every journalist was an old question given new urgency by this high-profile case: how to resolve disputes between the press and a subject that feels wronged.

For sheer real-life drama, it's hard to beat the WCCO-Northwest hearing, held in Minneapolis last October. As a Minnesota Supreme Court justice presided over the non-judicial hearing, twenty-one of the twenty-four news council members — half of them current or former journalists and other media professionals, and half "public" members — heard testimony from both sides. Meanwhile, an audience of about 300 — including a *Wall Street Journal* reporter, local media, and a hundred or so uniformed Northwest employees — looked on. Also on hand with a *60 Minutes* film crew was CBS correspondent Mike Wallace, who supports the news council idea as a way to resolve complaints against the media [see page 38].

Northwest claimed the WCCO report painted an "untruthful" and "distorted" picture of the airline's safety record and maintenance practices. WCCO countered that the Federal Aviation Administration (FAA) documents it had obtained and a large fine the airline had agreed to pay the agency supported its core allegation — that operational pressures to maintain its on-time record placed undue pressure on the airline's mechanics and jeopardized safety.

Council members, each of whom had

viewed the series and the promos, sharply questioned WCCO journalists and executives during the three-hour hearing. Why did the series rely so heavily on the allegations of a disgruntled ex-employee? Why weren't more reliable sources quoted? Why wasn't more



WCCO anchor Don Shelby at the Minnesota News Council hearing



The controversial promo showing an apparent Northwest nosedive

emphasis placed on Northwest's overall safety record, generally acknowledged to be among the best in the business? Why did the second part stray from the reports' central theme of safety into a rambling discussion of sexual harassment cases and even the unsolved murder of a female employee in Boston?

The barrage left WCCO representatives defensive. "We got it right, we

simply got it right," protested John Culliton, then WCCO's station manager, who now holds the same position at CBS's Los Angeles affiliate.

But the council overwhelmingly said WCCO got it wrong. By a vote of nineteen to two (three members of the council did not vote — see box, next page) the council agreed with Northwest's complaint that the WCCO series "painted a distorted, untruthful picture of Northwest Airlines . . . through its choice of images, words, and narrative, its improper juxtaposition of unrelated facts and events, its failure to provide any appropriate context, and its failure to present any comment from regulators or from independent third-party experts."

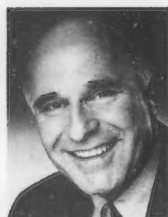
Shelby was stunned. In a dramatic closing statement, the anchorman told the council: "In nineteen years, I've never lied on television. You've taken the wind out of my sails considerably today. This is a dishonor to me."

Three months after his October surprise, in an interview with *CJR*, Shelby reflected on the most embarrassing chapter in an otherwise distinguished career. Where had WCCO gone wrong? How could nineteen Minnesotans see a story so different from the one Shelby intended to deliver?

"I think we produced a piece of factual journalism that looked like tabloid television," Shelby said. "And tabloid television looks like fiction. I think [viewers] saw the medium as the message. And because we use the medium, we didn't see [what the viewers saw] until it was too late."

The most troublesome image in the series was a four-second shot of a Northwest Boeing 747 taken from a camera angle that suggested the plane

ABOVE: 1997 STAR TRIBUNE / MINNEAPOLISIST PAUL BELOW: WCCO-TV



Executive director
Gilson



Council president
Thompson



Justice Anderson



Former reporter
Reeder

was about to crash. The shot appeared in a promo aired more than nineteen times in a five-day period preceding the series. When he learned from some of his interview subjects that the shot was igniting outrage inside the airline, Shelby insisted that the footage be cut from the promos. "I told everyone we were going to get our asses beaten on," Shelby said. But that shot had already set the tabloid-style tone for the series.

And there were other problems. WCCO's leading on-air source, a dismissed welder who was suing the airline over his firing, was inaccurately described as a mechanic even though he had never earned an FAA mechanic's license. That invested the welder, said Jon Austin, Northwest's managing director of corporate communications, "with an unwarranted level of credibility."

"It's wrong, an error in fact," Shelby admitted.

Shelby also came to believe that the sexual harassment angle — included in the second part in an attempt to show a pattern of intimidation and harassment directed at employees who "rock the boat" — was a mistake, too. "It seemed like nonlinear story-telling," Shelby said. "It did not stand up." To deny that now, he said, "would be silly."

The council viewed as particularly inflammatory WCCO's use of the story of a murdered Northwest employee. The woman, Su Taraskiewicz, had worked at Boston's Logan airport as a ground service worker and had complained to her bosses of sexual harassment by co-workers. But the 1992 beating and stabbing death was never solved. Northwest accused WCCO not only of exploiting Taraskiewicz's death, but also of using "her memory to deliver

the most ominous, offensive message of all: troublemakers end up dead at Northwest Airlines."

Said Shelby: "Clearly the promotions distorted the story. The sexual harassment material was distortive in that it confused the issue of airline safety."

About airline safety WCCO had a powerful story to tell. The most compelling footage showed a Northwest Boeing 747 with an engine dragging on the runway while rescue crews sprayed foam on the airplane to prevent a fire. The 1994 incident at Tokyo's Narita Airport occurred as the 747 landed; no one was hurt. But if the

1989. Local newspapers did report about the fine and the violations. But WCCO's series attempted to get behind the FAA proclamations to find out why the incidents occurred — a laudable journalistic goal.

The working hypothesis for the story was that pressure to keep the planes running on time led to maintenance shortcuts, Shelby said. In addition to the dismissed welder, he said there were about twenty-five Northwest employees who talked privately to the station but would not go on the record. He added that FAA documents the station obtained through the Freedom of Information Act suggested that some of Northwest's violations were of a kind that would fall into the category of willful.

For example, FAA inspectors repeatedly attempted to make the airline correct improper wiring of video terminals installed in the passenger cabin of some Northwest jumbo jets, a condition that could lead to short circuits and fire. Although Northwest said the responsibility lay with its subcon-

NEWS COUNCIL MEMBERS WHO VOTED

Press

Nancy Conner, reader advocate,
St. Paul Pioneer Press
Ruth Denny, free-lance journalist
John Finnegan, retired editor,
St. Paul Pioneer Press
Mollie Hoben, publisher,
Minnesota Women's Press
John Kostouros, free-lance journalist
Jim Pumarlo, editor,
Red Wing Republican Eagle
Maureen Reeder, public affairs director,
Hennepin County
Bob Shaw, retired newspaper executive
Don Smith, publisher, *Monticello Times*
*Mary Ziegenhagen, former publisher, *The Current Newspapers*

*Voted for WCCO

Abstaining: Paul Anderson, associate justice of Minnesota Supreme Court, who presided
Not participating because of conflicts: Ron Handberg, former WCCO executive; and Trish Van Pilsom, WCCO reporter

Public

Ann Barkelew, general manager,
Fleishman Hillard
Rabbi Barry Cytron, director,
Center for Jewish-Christian Learning
Ron Graham, executive director,
Better Business Bureau
Tom Keller, attorney, Moss & Barnett
Dorothy LeGrand, attorney
Sandra Peterson, president,
Minnesota Federation of Teachers
Carol Lynn Pine, president, Pine & Partners
Laurisa Sellers, consultant
Jonathan Seltzer, vice president,
Supervalu Inc.
*Terry Thompson, vice president,
Pillsbury Inc.
Nedra Wicks, community volunteer

engine had separated during a more critical stage of flight, the result could have been catastrophic. The cause of the separation was traced to faulty maintenance procedures by inexperienced mechanics at the airline's Minneapolis maintenance base.

For this and other lapses, in January 1996 the airline was fined \$725,000 by the FAA for violations that dated to

tractor, FAA inspectors concluded that "The tendency to not follow NWA procedures for the installation . . . and the apparent lack of NWA responsibility to ensure proper work accomplishment resulted in various areas of the aircraft being improperly altered."

Shelby said work on the story started in the first half of 1995 with WCCO producer Beth Pearlman. By February of

1996, the story was handed over to the I-team, headed by Jacquee Petchel, a Pulitzer Prize-winning reporter. Shelby, who had won Emmy and Peabody awards for I-Team stories in the 1980s before becoming anchor, was asked by station management to be the lead reporter for the series. Executives believed that returning him to the field on a hard-hitting series would be good for him and good for the station.

But much of the groundwork had been laid by the time Shelby came on board. And at the hearing, Petchel said that the bulk of the FAA documents the series relied upon arrived in mid-April of 1996. The series aired on April 29 and 30 — a relatively short time in which to digest and interpret the 412 pages of complicated and arcane FAA documents.

Was the series rushed onto the air for sweeps week? While not explicitly conceding it was, Shelby acknowledged that "We could have benefited from some additional time," particularly for WCCO people to weigh whether the sexual harassment angle should be mentioned in the series.

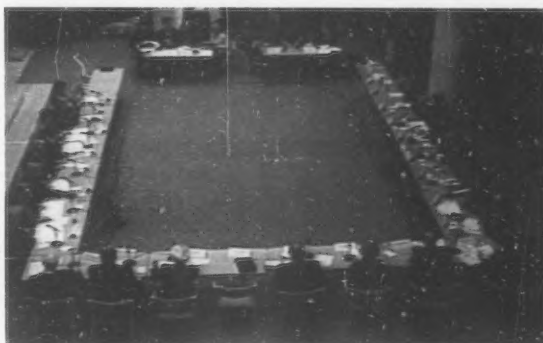
But he vigorously defended WCCO's reporting of the facts, and rejected criticism that he entirely failed to place Northwest's maintenance problems in proper context. "The story would have been made healthier if it contained graphics of Northwest's safety record and the others," he conceded, but he pointed out that during each broadcast he did take pains to tell viewers that Northwest "had one of the best — if not the best — safety records in the industry."

During the hearings, Shelby argued that because most Twin Cities travelers must fly on Northwest — which controls as much as 80 percent of the Minneapolis-St. Paul market — making specific safety comparisons with other airlines would be irrelevant for his viewers. But council members disagreed. Tom Keller, an attorney and a public member of the group, said that without those comparisons, viewing the report "was a little like going in for a check-up and being told you have a

cholesterol level of 200, and at that point the doctor walks out. You don't know what it means."

Shelby insisted the bottom-line message of the series was that Northwest was a safe airline but that it could be safer. That's not, alas, how it came across to the council.

Bob Shaw, a retired newspaper executive and a founding member of the news council, applauded the station in principle for attempting the story in the first place — it was, he said,



The Minnesota News Council meets

"exactly the kind of journalism" that should be done — but faulted its emphasis. "I was left with the impression . . . that things were radically wrong in their maintenance department, that things were bad and getting worse, rapidly," Shaw said. "I think they had a good story in the FAA report, and they goofed it up."

Council member Maureen Reeder, a former reporter for the independent Twin Cities station KMSP, agreed. "In one sense, this is the best of television journalism. And in another sense, it is the worst of television journalism. And in a greater sense, it's the state of television journalism today. This is the kind of story that a lot of our peers would be very proud to broadcast. It also had all the things in it that I think the public today doesn't like. It's a style of reporting that doesn't allow for a good amount of context."

Will the council's decision have a chilling effect on WCCO, as Shelby declared at the hearing? While he doesn't rule out the possibility, three months after the decision Shelby said the message from the news council was clear. "They did not say 'Don't do investiga-

tive journalism.' They said 'Don't do investigative journalism that way.'" For example, he said, the promos "inflamed passions and fears. The promos were bad. That taught us a lesson."

In the end, a handful of mistakes and misjudgments effectively neutralized months' worth of painstaking reporting. For nineteen out of twenty-one people to conclude that this series was untruthful remains a stunning defeat, Shelby admitted. "If the public is not willing to believe, then we are failing as communicators."

Besides the airline, the Minnesota News Council appears to be a winner in this episode. Gary Gilson, a former TV reporter who is now executive director of the council, said people from twenty-two states have asked him for information about setting up similar panels. To date, there are only two other news councils operating in the United States — in Honolulu and in the Northwest — but

both are much smaller and less active than Minnesota's.

In the current legal climate, where journalists' tactics can be on trial as much as the facts they report, news councils can be looked upon as "a fabulous legal deal," says Bill Babcock, a University of Minnesota Journalism professor and director of the university's Silha Center for the Study of Media Ethics and Law. What WCCO learned about the public's perception of its series may have been painful, Babcock says. But it didn't cost the station millions of dollars, as the Food Lion case did ABC [see page 28].

Nor did it tarnish the station's standing among its peers. Twenty-four hours after the decision, WCCO won a Midwest-chapter Emmy for the series.

For its part, Northwest was clearly more interested in getting a hearing than a windfall. "There is a big gap between writing a letter to the editor and filing a libel suit," Austin said. "There ought to be something in between that. We weren't looking for money. We were looking for a court of opinion in which to say 'we were done wrong.'" ♦

News Councils: *the Case for*



At the end of a 60 Minutes segment last December 8 on the WCCO case, Mike Wallace declared, "I believe there should be a national news council, though many of my colleagues disagree with me."

Largely because of Wallace's championing, the news council idea is being seriously explored by, among others, the Ford Foundation and the Freedom Forum. The council that existed from 1973 to 1984 never won support from some of the nation's

WALLACE

On gaining the public trust:

There is a growing skepticism, it seems to me, about all our credible institutions. There's been skepticism about the press for two hundred-odd years since we became a nation. But now there seems a different quality, at least from any that I've understood in my lifetime. There seems to be a genuine anger toward the press that I have not seen previously.



On the notion that the media are out of control:

I don't think we're out of control. I think that we are dismissive of public concerns. I think that there is a certain degree of arrogance. There is a certain elitism in the press that didn't used to be there. Television is responsible to some degree because suddenly we've become individuals, we've become faces, personae, and because of the salaries that some journalists make. As a result, we become part of the story instead of the disinterested observer/reporter. At Harvard a couple of years ago, I made a speech suggesting, number one, the revival of news councils, and secondly, a series of journalism malpractice awards. We respect immensely the Pulitzers or the Peabodys or the duPonts. Well, we would go a thousand miles out of our way not to get a Journalism Malpractice Award. I'm not sure that it's still not a good idea. In other words, once a year the most egregious journalistic performances of the year: print, broadcast, etc.

On why the first news council failed:

Because of Walter and Abe.

On the virtues of news councils:

It seems to me that it just makes common sense. No one is suggesting that anybody go to jail. No one is suggesting that there is a money award. All it does is hold up

to public scrutiny a piece in a newspaper, or a radio report, or a broadcast report, and say, you know something? We've looked into this. This was good, this was good, this was good, but that was bad . . . and over all it seemed not to be the best kind of journalism imaginable. What does that do? It's totally different from a letter to the editor in that no one pays any particular attention to the letter to the editor, it never hits the front page. Or it's a libel suit. When I got through with the Westmoreland suit back in 1984, '85 — and in effect, we won — he had to pick up his tab, or his supporters did. And God knows what it cost CBS, and we didn't have to change a word or retract a word. But I thought to myself, knowing what it had done to me physically and emotionally, there has got to be a better way than this.

On whether WCCO's sensational graphics and promo spots might have focused the panel on the sizzle and not the steak:

I'm sure that it is a danger. I think that to some degree because we had only thirteen minutes, we were responsible on 60 Minutes for not fully telling everything that was wrong, or what was perceived to be wrong. Mainly, I think the feeling in the room was, among the twenty-one panelists and among the three hundred people in the audience, was that it was hyped, that it was hugely hyped. But the question I ask is this: so he [reporter/

anchor Don Shelby] and WCCO-TV, were chided, found wanting. We do that ourselves every day to all manner of individuals, businesses, organizations, establishments and we move on. Why are we sacrosanct?

On whether huge corporations that sued the media recently might have been willing to resort instead to a news council:

In retrospect they may just have been, absolutely. There were so many things mixed up in the Philip Morris and the Brown & Williamson decisions. There was Disney, which was about to take over ABC, and probably did not want to buy a big lawsuit. There was Westinghouse that was about to take us [CBS] over and did not want to buy a big lawsuit.

On whether the presence of a news council would have a deterrent effect on tough investigative reporting:

I think conceivably, the deterrent effect would be less instead of more. If we are timorous, it is because our lawyers are saying, "My bosses tell me we don't want to spend the money, we don't want to take the chance of losing millions of dollars in a libel suit." With a news council, they wouldn't have to.

On the fairness of a council's judging in absentia news outlets that refused to cooperate in the process:

It troubles me. Let's say CBS or The New York Times decided simply, we're not going to play, so to speak. I suppose some people would feel that one of the two sides — either the complaining party or the party against whom the complaint was lodged — was pleading nolo contendere or was just stiff-necked. It seems to me that is irresponsible on the part of the person who declines to play. ♦

PHOTOS BY SARA BARRETT

... And Against

Interviews by CJR's Evan Jenkins

major news organizations and big-time journalists. In the interview with Wallace excerpted here, "Walter and Abe" are Walter Cronkite, an opponent of the old council who now says a new one might be worth looking into, though he remains very wary, and

A.M. Rosenthal, now a New York Times columnist, who adamantly opposed the council as executive editor of the paper and still has no use for the idea. Nor does the Times's current executive editor, Joseph Lelyveld, as he made clear in his own interview.

LELYVELD

On the desirability of news councils:

This newspaper took a position on it the last time this idea came around just under a quarter of a century ago, and that was we weren't going to play. We think it would compromise our independence. We have a deep concern that voluntary regulation can lead, bit by bit, to more serious kinds of regulation, and while we're very interested in the whole subject of the standards of the press and do our damndest to uphold the standards that this paper has always had, we think that's our job and we don't want to be monitored by a lot of self-appointed people. That's not to say we don't welcome press criticism. We get a lot of it. I welcome it all. It tests you. It makes you think.

On the low esteem in which the public holds the media:

You know "the media" is a very big term. It includes *Hard Copy* and supermarket tabloids and *The Wall Street Journal* and *The Washington Post*. I have my own guesses about why we're in bad odor. I think it has something to do with all the talking heads on television. What people see of journalists is very often highly opinionated people who are eager to put their opinions between events and the people consuming the events. There's also a great audience for that, so people watch it and react negatively to it, but they go on watching it. I don't see where a press council solves that problem. There's been a striking decline in basic coverage of basic institutions of our society — what state legislatures do, what local councils do. There's a tendency to look for quick hits, sensational take-outs. I don't see any way in which a press council addresses that.

I think the problem of the American press in general is that it has become too docile, that in too many places it's not



doing its job. A press council would be just another reason for not vigorously engaging with basic day-to-day tough reporting of what's going on in the institutions of our society. And the ones who would get the action would be the ones who are trying to do the job right, not the ones who aren't doing the job at all.

The practical side of it is something I can't get my head around. Presumably in every state or large locality — and if you really believe in this idea, nationally — there should be a news council. There would be a whole new profession investigating the press. I don't really see where that answers the general complaint that some segments of the press are elitist and arrogant. We feel that if we're responsible to anybody for our performance, and of course we are, it's first of all to our readers and second of all to our own sense of the traditional standards of this newspaper.

I do fear, on the practical side, being enmeshed in a kind of endless series of arbitrations where there can be no victories but you are just fighting for your reputation all the time against perhaps large, well-financed corporations with public-relations departments which could just find it useful to tie you up in hearings, or against partisan groups which would have their own motives in undermining your reputation. All of it, it seems to me, would have a chilling effect on the spirit of free inquiry.

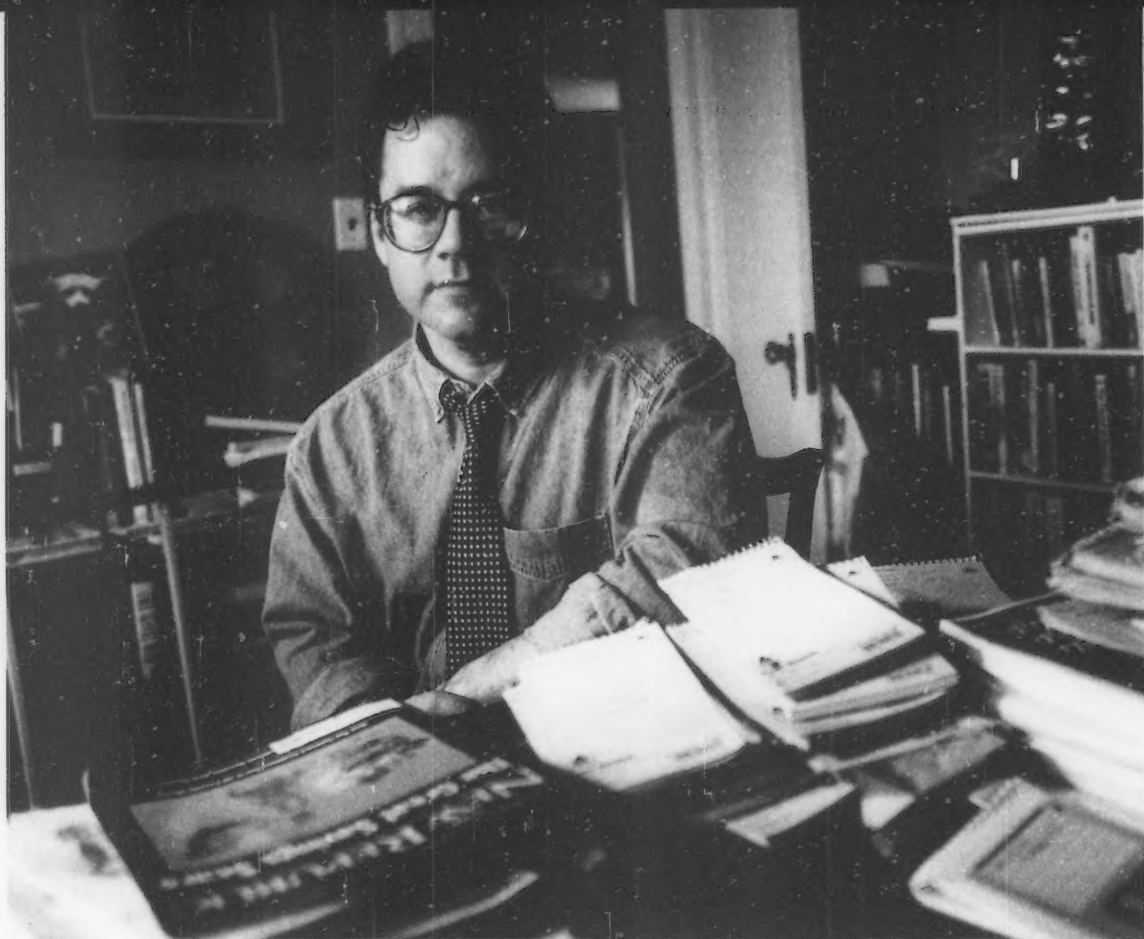
On potential savings to news organizations if news councils replaced the courts as arenas for grievances:

That seems to me a fairly narrow reason for establishing such an elaborate apparatus. Look what happened in Britain. They started out with a form of voluntary regulation through a press council and then a few years ago when there was one of these flaps over the privacy of the royal family, an official was appointed to study the effectiveness of the press council and produced a report calling for statutory governance of press excesses. Now, Britain doesn't have a constitution and we're not Britain, but I think that would be the drift. As a form of libel insurance it just doesn't seem to me an adequate motive for setting up such a mushy body and process.

On the newsworthiness of a news council's findings:

We certainly wouldn't bar mention of the news council from our pages. [But] we certainly wouldn't report it the way we report the federal district court or court of appeals or the Supreme Court because it's fundamentally not a court. It's a kind of glorified town meeting, but it's not even the town. Talk about elitism! Who gets on these things, and the people who sit there, how hard do they work at it? Is it their job or is it a gig?

We know very well from our own work how expensive and time-consuming it is to do a major investigative job on a complicated subject. Now somebody comes in to judge how well we did it. Their effort should be somewhat on a par with ours, it seems to me. By the very nature of the thing it can't be. I find it hard to imagine a process that one could respect. I'd rather take my chances in court. ♦



ERIC FREELAND

The editor in his home office: "We're not going to have a party line."

The *New* New Republic

Meet Michael Kelly, Some Kind of Liberal

by Mike Hoyt

Michael Kelly became editor of *The New Republic* on November 11 and his first issue of the magazine, dated December 2, featured a drawing of President Clinton looking partied out, nose glowing like Rudolph's, under a headline — "The Hangover" — meant to suggest post-election malaise. In the same issue Kelly wrote his inaugural TRB column (nobody is sure what the letters ever meant, but it's the first piece in the magazine, syndicated to some fifty

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newspapers). In its third and fourth sentences he said of Clinton: "He is of course a shocking liar. He will say absolutely anything at all."

His sixth, tenth, twelfth, and thirteenth sentences continued the theme: "He is breathtakingly cynical . . . He is an opportunist of such proportions that the only thing that exceeds his reach is his grasp. . . he is an occasional demagogue . . . He is the fairest of fair-weather friends." The fourteenth sentence added, for good measure: "He is perhaps the greatest golf cheat in the history of the game."

Still, for liberalism, the column went on, turning a hair-pin corner, "all this bad news is the good news." Because Clinton's ability to feint right and left, to triangulate, means that he survived, "and thus liberalism, of a sort, and the Democratic Party, such as it is, lived to fight again." Liberalism, Kelly suggested, "needed a little mugging by reality," and "a leader constrained by the old pieties of honesty, commitment, and courage of commitment simply wouldn't have had the stomach for the job."

The editorial in that issue proceeded to blast the president's Bosnia policy. Two pages after that Hanna Rosin, an associate editor, described his gender-ethnicity-geography contortions in picking a new cabinet. All this was a warm-up for the paired cover stories: Jacob Heilbrunn, an associate editor hired by Kelly, on how Clinton's foreign-policy weakness in his first term will haunt him in his second, and Carl Cannon, of the Baltimore *Sun*, on the drag from the "character" issues — the Paula Jones sexual harassment suit; the soft-money/foreign-money cloud from the campaign; and, of course, Whitewater.

Two issues later in a cover piece, William Powers, another Kelly hire, inaugurated his new Media Rex press column with an argument that "by and large, the mainline media did not focus intense, sustained attention on the stories that could have been most threatening to the president's chances of reelection." And by extension, apparently, should have. Clinton character stories, Powers wrote, "became the dogs that didn't bark, or at least were not made to bark very loudly or very long."

The New Republic was making up for lost barks. In the next issue, December 23, Kelly woofed at George Stephanopoulos, who, in a letter to the editor and a phone call to Kelly, had pointed out that from January 1 through Election Day last year, a total of one hundred and forty three "ethics" stories (Whitewater, FBI files, Lippo, Travel Office) were published in *The Washington Post*, *The New York Times*, and the *Los Angeles Times* — all on page one. As for television, he cited Powers's own numbers and wondered why "sixty-two stories on the three major networks over the last sixty-four days of the campaign was somehow insufficient attention."

Kelly, in his TRB column, likened Clinton's efforts "at manipulating and discouraging hostile press attention" to Nixon's. He then rejected Stephanopoulos's complaints this way: "To announce in one breath that the Senior Adviser to the President for Policy and Strategy is spending a considerable chunk of his Monday morning in an attempt to mathematically refute a not terribly shocking assertion by one columnist in one magazine, and to denounce in the next the very idea that there is anything remarkable about this White House's aggressiveness in press management — why, there's a boldness here that rises to a sort of beauty." (Kelly's reply had a beauty of its own. For the editor of *The New Republic* to suggest that his cover

story was too insignificant to have occupied the senior adviser's mind is an agile turn of thought. So is the notion that there is something Nixonian in Stephanopoulos's responding to the piece with such black weapons as a Nexis search, a phone call, and a letter to the editor.)

On January 20 came another TRB column on Clinton's ethics issues: "Why It Matters: Bill Clinton is Corrupting the White House." January 27, ditto: "Why It Matters (II)." A venerable and important magazine, which many had seen as drifting in the last few years, certainly seemed to have located a focus.

The magazine's padrone, Martin Peretz, spoke haltingly, as if words could not express the joy he felt about the "best hire" he'd ever made since he bought *The New Republic* in 1974 (from a list that includes Michael Kinsley, now editing Microsoft's *Slate*, and Hendrik Hertzberg, the editorial director at *The New Yorker*). This was at Christie's, the Park Avenue auction house, where Peretz tossed a party January 14 to introduce Kelly to friends of the magazine in New York. Guests wound their way past some of Christie's wares to get in — Chippendale tea tables (\$3,000 to \$5,000); a set of Davis Hall woven baskets (\$30,000 to \$50,000; nice, but not altogether nicer than the \$30 baskets at Crate & Barrel one block away).

Kelly spoke briefly, charmingly, at the party about his relationship with the *The New Republic*. He's thirty-nine, tousled, short and roundish, not quite a visual match with the hard-nosed prose. His countenance is owlish, unfazed. He looks like the newspaper reporter he used to be. But Kelly has long been unleashed from the bonds of neutrality and his fierce political passions have an effect on *The Conversation* in Washington and beyond. He's been hard to ignore, and now *The New Republic* has given him a megaphone.

He told the Christie's crowd about how his girlfriend, Madelyn Greenberg (now his wife), a producer for CBS News (now on leave with their new son), was going off to Tel Aviv on the eve of the gulf war. He wanted to go with her and needed an outlet for his free-lance writing. He called Hertzberg, then the editor of *The New Republic*, who, it turns out, didn't need writers in Tel Aviv. How about Baghdad? The pay, he told the amused crowd, was twenty cents a word.

The tale had been edited a bit for the party: *The Boston Globe* and *GQ* had also lined up Kelly to cover the war. But it was in the weekly rhythms of *The New Republic* that he hit his stride, turning out searing and lush accounts of the war, from the liberation of Kuwait City to the carnage along the Iraqi retreat route to the redecorating of the emir's palace in Kuwait — reporting that would later shape a well-received book, *Martyr's Day*.

Here's Kelly on Baghdad: "It had become the ideal mob town, the perfect capital of a gangster nation. The new millionaires, Baathist bosses and government ministers and

KELLY'S FIERCE POLITICAL PASSIONS HAVE AN EFFECT ON 'THE CONVERSATION' IN WASHINGTON AND BEYOND

their merchant friends, tooled around the city in Mercedes-Benzes the color of *crème fraîche* and swaggered through the casinos tossing stacks of new money on the baccarat tables."

The power of Kelly's war writing launched him to journalism's loftiest peaks. Howell Raines of *The New York Times* hired him to help cover the 1992 campaign. But Kelly found the job too confining — "I just didn't want to do daily journalism that had to be as carefully controlled as White House coverage was with the *Times*," he says — so the *Times* unconfined him, making him a writer for the paper's Sunday magazine, where he turned out some memorable profiles. He CAT-scanned David Gergen in October 1993, for example, when Gergen was Clinton's counselor, portraying him as the very embodiment of the modern Washington insiders who have turned spin into reality. "A man like Gergen, unafraid to admit that his loyalties and convictions are no more than outerwear," Kelly wrote, "is always welcome at the table."

His equally tough "Saint Hillary" piece on the First Lady — which *The American Spectator* called an "enormously enjoyable Cuisinart job" — was, in Kelly's own estimation, less successful. Critics might say it was a set-up, since he got the First Lady to talk freely about her spiritual and moral yearnings and then let the inchoate nature of those yearnings present her as woolly-headed. But Kelly says, no, he "did her the courtesy of taking her seriously." He just isn't sure he understood her.

He seems to suffer no such insecurity about Mrs. Clinton's husband, whom Kelly profiled in the summer of 1994 when the president's ratings were sinking and Whitewater and other character issues loomed large: "What has happened to Clinton has happened because he wanted, more than anything in life, to get to where he is today," Kelly wrote, "and because he wanted this, at least in part, in order to do good — and because the great goal of doing good gave him license to indulge in the everyday acts of minor corruption and compromise and falsity that the business of politics demands. Bill Clinton was perceptive enough to master politics — but not perceptive enough to see what politics was doing to him."

In late 1994 Kelly went to *The New Yorker*, where he covered politics and wrote a strong and acidic Letter From Washington, "one of the great perches available to a writer." (He replaced Sidney Blumenthal on that perch, a writer distinctly more sympathetic to the Clintons.) But when the chance to edit *The New Republic* came along last year, he jumped. "I knew it wasn't going to come up a second time. It seemed impossible to say 'no' to," Kelly says. With the TRB column he could continue to write, while testing his mettle as an editor and thinker. He told the people at Christie's that back when he had taken the job at the *Times*, an editor at *The New Republic* told him that he'd return, because he would never find a journalistic home quite like *The New Republic*. And, Kelly told the crowd, he hadn't.

Other politics-and-policy magazines, he explained, offer

"something like a religious tract." They offer comfort: if you are liberal, you get comfort from the liberal magazines; if you are conservative, you get comfort from the conservative publications. But "we don't offer comfort," Kelly said. "We offer intellectual honesty."

Actually, conservatives have taken some comfort from *The New Republic* in recent years. Particularly under its most recent editor, Andrew Sullivan, a Brit who calls himself a Tory, the venerable magazine — which was founded expressly to define and promote something called liberalism — seemed to drift right. It famously published, for example, such cover pieces as a long excerpt from *The Bell Curve*, the controversial book on an alleged relationship between race and intelligence, and "No Exit," a piece by Elizabeth McCaughey, now the Republican lieutenant governor of New York, that helped drive a stake through the heart of the Clintons' health-care plan (an article widely seen as falling somewhat short on the intellectual-honesty scale).

Some see Kelly as accelerating that trend. In the January 27 issue of *The Nation*, *The New Republic*'s old rival to its left, Eric Alterman devoted his inaugural media column to the magazine. The impact of *The New Republic* in recent years, Alterman wrote, has been to "cut the legs out from under the tough-minded liberalism" it had historically stood for. For liberals who still hold some affection for the magazine, he suggested, Kelly means divorce.

Articles in subsequent issues presumably supplied additional grounds. In the fifth Kelly issue, Stephen Glass, an assistant editor, attacked the Center for Science in the Public Interest — the "food police" Naderite organization that got the coconut oil out of movie-theater popcorn, among a number of other achievements. In Kelly's ninth issue, Charles Lane, a senior editor, excused the deplorable conditions — constant cold, darkness, isolation, rape, beatings, torture — in Peru's prisons. The "draconian

confinement of terrorists," Lane patiently explained, "has a rational basis" and is "a drastic but defensible response" to the serious threat of rebellion.

"What does it mean," Alterman wrote, citing parts of Kelly's first TRB, "when a magazine that has, historically, been one of America's most venerable liberal publications decides it hates liberals?"

The people Kelly really disdains are those he believes have shanghaied the word liberal. *The New Republic* remains a liberal magazine, he says, "if you accept my definition of liberalism.

"It's not everybody's definition," he continues. "What I'm trying to say is that people who are in fact not liberals, but radicals, leftists, or whatever, succeeded to a large degree in defining liberalism as their political philosophy, which made it an extreme minority political philosophy. Many people in this country who were very happy being liberal Democrats for generations then walked away from liberalism and the Democratic party." This is a theme clearly close to Kelly's heart, and he

IN KELLY'S ELECTRIC WRITING IS THE HINT OF A MEAN STREAK

paces his office, a small but comfortable room, as he elaborates. "It seems to me that in the last ten years or so the left has succeeded in trashing liberalism and ruining it."

Kelly sees the nation moving toward his brand of liberalism, one whose idea of government is in some ways "minimalist" (*The New Republic* has serious misgivings about affirmative action, for example), yet "activist" (the magazine has "long advocated a serious, expensive federal work program" for job creation, according to a February 10 editorial). The government, Kelly says, should protect citizens not only from the vagaries of the marketplace but from such things as crime, "because liberalism, properly understood, recognizes that one of the duties of the state is to protect the rights of people of modest means to live decent safe lives, so that you don't have a situation where the average plumber has to live twenty-five miles out in a townhouse tucked away in what was a cornfield. There are very few neighborhoods left here where a person of that income level can sit on his front stoop in the evenings in comfortable safety and drink a beer and see his kids off to public school down the street, knowing that they're going to get a decent education and come home safe. We've destroyed that for those people and we've done it in the name of liberalism."

Victor Navasky, *The Nation's* publisher and editorial director, salutes his press critic but does not agree with Alterman's early verdict on Kelly's tenure. "I have no feeling about Mike Kelly's politics one way or the other based on his stewardship of *The New Republic*," Navasky says. "I have not concluded that he is conservative. It takes a couple

of years for an editor to become settled in. I'm prepared to wait and see. I think there's plenty of room for many independent voices at a time when the real threat comes from conglomeration, Murdochism, tabloidization, and so forth. These quirky little independent voices are more important than ever. The quirrier the better. They appear quirky. History sometimes decides otherwise."

The New Republic has been described as an "elite debating society." Elite it is; its 100,000 or so subscribers are 78 per cent male, 82 per cent professional/managerial, and have a median net worth of nearly \$400,000 (17 percent are worth more than \$1 million). But if the magazine is a debating society, it is one whose important arguments and visions get attention, a journal of opinion with historically outside leverage on the nation's political center of gravity.

From its beginning *The New Republic* has danced left and right, maybe even up and down, on the political spectrum. It defied pacifists and pushed for intervention in World War I, for example, and then, strangely, controversially, called for restraint in the face of Hitler. Its three founders parted ideological ways just six years after the magazine's birth in 1914 — Herbert Croly turning to religion, Walter Weyl returning to socialism (he went over to *The Nation*), and Walter Lippmann cruising off to the right. Its thinkers and writers have always gone at each other hammer and tongs. According to Dorothy Wickenden's fascinating introduction to *The New Republic Reader*, John Dos Passos once suggested to Edmund Wilson, who was the magazine's

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literary critic for a period, that *The New Republic* print a slogan at the bottom of each page: THIS IS ALL BULLSHIT.

In the 1980s, under Kinsley and Hertzberg (who twice replaced Kinsley), many on the left side of the political spectrum were not comfortable with *The New Republic*, particularly on Israel, affirmative action, and the contra war in Nicaragua. But the magazine was passionate, serious, and unpredictable, and readers tended to pick it up with antennae fully extended, not knowing, in most cases, where a given piece might be coming from, but pretty confident of finding a well-crafted argument or solid reporting that was ahead of the curve, or both. Although it remained worth reading under Sullivan, a thoughtful writer himself, some of the magazine's spirit of inquiry was lost in the 1990s. There was a "subtle shift from skepticism into cynicism," as Harvard professor Michael Sandel, a *New Republic* contributing editor, was quoted as saying in a tough piece about the magazine in the August *Vanity Fair*.

Sullivan won some prizes and increased circulation, yet his magazine kept losing weight. Now the question is whether Kelly is the right doctor.

A large-type handwritten note from a reader is pinned to Michael Kelly's office door: WHY ARE YOU SO ANGRY? WHAT IS YOUR PROBLEM? The walls inside bear, among other things, an antique-looking "Help Wanted: No Irish Need Apply" sign and an old framed photo from a White House press conference with John F. Kennedy. The president has said something funny and the reporters are laughing. They are nearly all male, mostly print, and the atmosphere is relaxed and clubby. Another world.

Kelly points to a man in the front row on the right side of the picture: his father, Thomas, who was a feature writer and a political reporter for the now-defunct *Washington Daily News* and went on to a career as a free-lancer. His mother, Marguerite, also is a writer, author of a best-selling book about child-raising. Kelly's parents met at *The New Orleans States-Item* and went on to raise three daughters along with their son. Their Washington, D.C., home, Kelly says, was often "full of newspaper people or ex-newspaper people."

So journalism was a natural, and Kelly pursued it first at the University of New Hampshire, then at ABC's *Good Morning America* (as an intern, a researcher, a booker, and finally an associate producer), *The Cincinnati Post* (from suburbs and night cops to feature and investigative reporting), and the Baltimore *Sun* (where he moved onto the political beat and returned to Washington) before quitting to free-lance and, eventually, cover the war in the gulf.

His mother remains a "yellow dog Democrat," Kelly says, while his father has moved from the near-radical left to "quite conservative; I'm not even sure how he's registered now." His own politics, he says, are somewhere between them. Just where in between is of keen interest to a lot of

politics-and-policy types who are as involved as Kelly is in questions like What's a Liberal? and What's a Democrat?

Oddly, given Kelly's first several issues of *The New Republic*, one of the people Kelly sees as "honorably engaged" in defining and shaping the future of liberalism is Bill Clinton, the man he called a liar, a cynic, an opportunist, etc., in his first TRB column. The point of that column, Kelly explains, "is not that Clinton is in some ways a flawed president, although the column says that. The point is that maybe the way we should look at it is that these flaws are necessary. If you are going to have a president who is going to reshape liberalism into something that can approach a majority philosophy again, maybe this is the kind of person you need, and maybe this is the kind of stuff that has to be done, even though a lot of it is not attractive."

If, to redefine and reclaim liberalism, Clinton needs some dark tools, perhaps Kelly, who shares the mission, needs some, too. He has them.

One of the reasons Kelly's writing is electric, for example, is the suggestion of a mean streak. Writing as combat, both ideological and personal. The first magazine piece Kelly wrote that gained serious attention — a 1990 *GQ* profile of Edward Kennedy — described the senator's face this way: "The skin has gone from red roses to gin blossoms. The tracery of burst capillaries shines faintly through the scaly scarlet patches that cover the bloated, mottled cheeks. The nose that was once straight and narrow is now swollen and bulbous, with open pores and a bump of what looks like scar tissue near the tip. Deep corrugations crease the forehead and angle from the nostrils and the downturned corners of the mouth. The Chiclet teeth, too, are the color of old piano keys. The eyes have yellowed too, and they are so bloodshot it looks as if he's

been weeping." Then he moved on to the senator's politics.

A bit of this now shows up in his magazine. In Kelly's third TRB column he tells us he prefers Madeleine Albright as secretary of state by way of saying, albeit with humor and a bit of self-mockery, how much he personally dislikes two other early candidates, Richard Holbrooke and former Senator George Mitchell, both examples, Kelly writes, of the blowhard Washington Male. ("Where Holbrooke has ostentatiously clawed and grappled his way up the greasy pole, Mitchell has more gently floated ever higher, borne on the uplifting vapors of mediocrity rising to its natural level . . .")

Kelly is a writer of passion, and he occasionally lets that passion push his logic just past the facts. For example, in an otherwise strong July 15, 1996, *New Yorker* piece about how politicians and the press dealt with black-church burnings in the South — first ignoring then oversimplifying and hyping the phenomenon — Kelly's long lead was flawed. It centered on President Clinton's June 8 speech on the issue, which addressed the burning of the Matthews Murkland Presbyterian Church, in Charlotte, North Carolina, two days earlier. Clinton told the nation that while there was no evidence to

CLINTON AND KELLY SHARE SOMETHING OF THE SAME MISSION: HELPING TO REDEFINE LIBERALISM

date of any national conspiracy, "it is clear that racial hostility is the driving force behind a number of these incidents." But, Kelly went on to report, in the Murkland case the arsonist turned out to be "an emotionally troubled thirteen-year-old girl. Although the child was white, there wasn't the slightest suggestion that she had been motivated by racial animus."

There was, however. Kelly and his researcher had gone with the assumption that the girl's tender age ruled out racial animus. They did so even though *USA Today* had reported earlier, on June 28, in part of that paper's massive examination of the church burnings — a series Kelly lauded in his article — that the girl "had anti-black views." Given that background, says Richard Price, who co-authored the *USA Today* series, "you have to ask, 'would she have burned a white church?'" Further, Clinton's assertion that racism was behind "a number" of church fires turns out to be a poor example of the exaggeration Kelly sought to portray. Some fires were found to be unconnected to racial motives, others remain mysteries, and others were indeed sparked by racism.

In his December 9 TRB column, Kelly addressed the famous Texaco tapes, in which company executives were secretly recorded plotting to destroy documents that had been demanded in a federal discrimination lawsuit, and in which, it was first thought, an executive used the word "nigger." But after outside tape experts analyzed the recording, the suspect word was found to be "Nicholas," as in Saint Nicholas. What Kelly objected to is how civil rights types kept crying racism after the more accurate tape came out. "In short," he wrote, "while the tape does catch Texaco executives talking about destroying damaging papers in the discrimination case, it simply did not demonstrate racism." Yet the tone and content of that tape makes such an assertion questionable at best. Texaco's chairman, for one, said the new tapes "set the record straight" but "do nothing to change the categorically unacceptable context and tone of the conversations." More important, Kelly managed to diminish the larger issues: the case was not about improper speech, but about Texaco's employment history, and it was that history, not a single epithet, that cost the company some \$176 million. Kelly's no-"nigger"-no-problem reasoning didn't hold water.

Kelly works hard. He edits every piece in the magazine, in partnership with one other editor, writes his own stuff on closing day, and, meanwhile, labors at shaping the publication and at trying to recapture something he thinks it once had. When we spoke in late January he was particularly proud of his February 3 issue, his ninth as editor, which was indeed full of tasty stuff: Hanna Rosin, in "Federico Peña takes Physics 101," set a funny scene at the Department of Energy, which had become a kind of Stanley Kaplan cram course for Peña, Clinton's appointee as energy czar, in preparation for his confirmation hearings. Roger Simon delivered a generous and detailed portrait of Rahm Emanuel, the new George Stephanopoulos. Jeffrey Rosen made a fascinating case for Clinton in the Paula Jones

affair — arguing that even if her charges against the president are true, they do not (and should not) rise to the legal level of sexual harassment. Peter Beinart wrote the cover piece, "Doing the Inaugural Hustle" — an enlightening look at the history and meaning of presidential inaugurations, whose swollen size and televised pomp offer the illusion of democracy but require so much money from access-eager corporations and lobbyists that they promote the opposite.

"It's immensely important to me that the magazine become the magazine that you liked and I liked" in the 1980s, Kelly says. "A magazine that you could not tell where it was coming from, that had a way of writing about ideas that amounted to news, a way of marshaling evidence which allowed you to look at something that was out there and around — race, government, politics — in a way that you had not looked at it before."

And maybe look twice. Kelly points to a pair of solid articles in January by two of his senior editors that serve as book-ends of a sort on the debate about whether a balanced budget matters — Matthew Miller, in "Scrooge for OMB," in the January 6 & 13 issue, arguing that it matters a lot, and John Judis, in a January 27 cover piece, "The Great Savings Scare," contending that it doesn't. Kelly points again to Rosen's piece on the Paula Jones case: "There are those who want to believe that this magazine adheres to an anti-Clinton party line. All I can say is that they are going to be disappointed because you're going to keep picking up the magazine and see a piece that is harshly critical of the president on X and the next piece that defends him strongly on Y. The distinction I'm drawing is, regardless of where I think we should be in the spectrum,

we're not going to have a party line. We're not going to say you follow the editor's position."

Which is kind of a relief, since our chief executive has become our national punching bag, as easy to hit as a blimp and just about as threatening, in terms of power to return journalistic fire. It's partly because of the zeitgeist and partly because Clinton is Clinton, but it seems that the president gets it consistently and predictably from every angle — left and right, substantive and shallow, *The Nation* and *The Weekly Standard*, Maureen Dowd and Jay Leno. Even from Michael Kelly playing Jay Leno. *George* magazine recently asked people for some one-word answers to the question — What will Bill Clinton do when he retires? Kelly's widely reprinted answer: "Eat." He was quoted on the question along with a columnist from *Weekly World News*, the *STATUE OF ELVIS FOUND ON MARS* tabloid. (That esteemed writer's answer: "Screw.")

Alone on Kelly's back wall, facing his desk, is a framed front page from *The New York Times* of November 4, 1992, when Bill Clinton was first elected president. Kelly and Clinton have, in a way, traveled in tandem — Kelly was rising as a big-league national political reporter as Clinton was rising to national power — and they share something of the same mission, helping to redefine liberalism. They'll both be with us for a while, and both could grow in office. ♦



The
Real
Dangers of
Conglomerate
CONTROL

**A Columbia Journalism Review forum looks
at the bad news about corporate synergy**

In media circles, the 1996 Word of the Year was "synergy." Again. Ever since the summer of 1995, when Disney's chief, Michael Eisner, embraced the term during his company's purchase of Capital Cities/ABC for some \$19 billion — "The synergies are under every rock we turn over," he bubbled at one point — it's been the buzzword of choice for executives seeking to describe the dazzling possibilities for power, profit, and prestige they see as they make the leap from large company to enormous conglomerate.

But "synergy" also has been the buzzword of choice for many journalists and other observers to describe the possibilities for difficulty and danger they see in this headlong rush toward conglomeration. As more and more news organizations are bought by companies whose primary business has never been anything remotely resembling journalism — many of them companies with profit interests in such global businesses as aviation, nuclear power, financial services, sports teams, hazardous waste disposal, and other favorite targets of nosy journalists — commentators have taken to using "synergy" as a synonym for everything from "a worrisome potential for censorship" to "the death of journalism as we know it."

In November, the *Columbia Journalism Review* devoted a special breakfast forum to exploring what the consequences for journalism will be of the trend toward conglomeration. An invited group of 250 journalists, media executives, and other opinion leaders gathered to hear — and to argue with — a panel made up of four influential media critics, who presented anything but a united front in their views on the scope and seriousness of the threat to journalistic values. Moderating the panel was Ken Auletta, a longtime media critic and author who has been writing the "Annals of Communication" column for *The New Yorker* since 1992. — Andie Tucher



Following are excerpts from the panelists' remarks and the audience's responses.

KEN AULETTA: If you went to the press conferences when Disney took over ABC or when Westinghouse took over CBS or when Viacom took over Paramount, you heard the word synergy repeated over and over again.

Increasingly, it's also a word you hear more and more in magazines and newspapers. People talk about the importance of enticing departments to work together, to enthruse advertisers, to get new revenues through "brand extensions." And maybe the spate of alliances that are taking place in the communications business will lead to synergy and will make journalism better. But I would argue that there's scant evidence that synergy is journalism's friend.

Let me review just a few factual arguments against synergy.

We see that in Asia Rupert Murdoch dropped the BBC from his Star satellite news service. Why? Because the

Moderator Ken Auletta doubts that synergy is journalism's friend

BBC was offensive to the Chinese government and Rupert Murdoch and his News Corp. wanted very much to make nice to the Chinese government.

We witness the lawyers at CBS killing for a time a *60 Minutes* report on the tobacco industry. Why? Because it was deemed that CBS would face a potential lawsuit. Well, *The New York Times* faced a similar potential lawsuit, as did *The Washington Post*, with the Pentagon Papers, but the publishers decided to go forward. The argument made (in the *60 Minutes* case) was that the costs were so grave, that we shouldn't do it. I think it was really a synergy argument.

You could also make the case that a similar argument was made at ABC, when they decided to apologize, thus avoiding a potential libel award of \$10 billion, to the Philip Morris Company. The question is: Was ABC's decision based on the journalistic merits? That

would be, "We were wrong. We made a mistake and we're owning up to it."

Or was it a decision of corporate convenience? That would be, "We can't do anything to impede the merger of ABC and Disney." I suspect that you pick up here the scent of synergy.

Nor is synergistic thinking a stranger to the newspaper world. Take a look at what happened at the Times Mirror Company with the new c.e.o. who comes in and says, "We have to get our profit margins up from 8 percent to, eventually, 16 percent."

Well, you can make an argument that there's a lot of fat at Times Mirror. But if you talk privately to business people at the Times Mirror Company, they will tell you that there's a point at which you go beyond cutting fat, to cutting bone. Now, the truth of the matter is it's much easier to measure your costs or profit margins than it is to quantify something that's very dear to those of us in journalism, which is quality.

As communications Goliaths merge and partner, occasions for these journalistic conflicts of interest will



Dorothy Rabinowitz

"The enemy of journalism isn't synergy. The enemy is the herd mentality."

New York Post continue to be used as a weapon by Rupert Murdoch to bludgeon political or business opponents?

Will *The New Yorker* accept too many excerpts of books from Random House, which is part of its parent company? Will *Forbes* slyly drop another profile, as they did two years ago with the agent Michael Ovitz, without telling people that Ovitz was, in fact, a private consultant to *Forbes*?

Or, conversely, is it true, as my friend Walter Isaacson at *Time* argues, that journalists are more insulated from intrusion from their corporate bosses when they work in the bosom of a large company, which is less interested in the outcome of particular stories,

than they might be in a smaller one? There's some evidence of that, but I think there is a greater journalistic peril in a large conglomerate. It comes not from Jack Welch, the head of General Electric, reaching down and saying, "Do this story." It comes from self-censorship, from anticipatory censorship. People saying, "God! If we run this story, will it ruin our careers? Will we be labeled non-team players?"

Witness, for instance, how NBC issued an apology after Bob Costas

made a perfectly reasonable statement on the network during the Olympics about human rights abuses in China. An NBC spokesman, a couple of days later, issued the following statement, speaking about China, "We wanted to make it clear that we didn't intend to hurt their feelings." Now, presumably, NBC also didn't want to hurt the business interests of the corporate parent, General Electric, which is bidding for business in China.

Inevitably, the synergy notion produces a clash of values between the corporate culture of the parent and the culture of journalism. The new megacorporations in the communications world value things like teamwork. They use leverage to boost sales of their products. They dream of a borderless company that eliminates the defensive interior barriers and walls within those companies.

But journalists are meant to prize their independence, not teamwork. To keep a distance from advertisers, not to seek synergies with them. Journalists need borders. That is to say, a degree of independence, in order to do our jobs. Journalists don't aspire to a borderless company, because we want to keep the business and the advertising department the hell out of the news room. That's part of our mission.

So the more corporate retreats you invite editors to, the more the danger you have of converting those editors into tame, corporate citizens. This, of course, often gets complicated and there are other sides to this argument. Only paranoids, for instance, want editors to be implacable foes of the publishers.

And it is true that journalism is a business, not a philanthropic activity. If you don't make money, as *New York Newsday* didn't make money, you should be closed no matter how good a product you produce.

One can make the argument that media conglomerates will restrict the information we receive, that we citizens will be victims of a homogenized, commercial sameness. There is plenty of evidence that entertainment

"I see a lot of talk, a lot of analysis, a lot of opinion, a lot of blather. I don't see that much newsgathering."



Howard Kurtz

inevitably increase. Will ABC News aggressively cover a proposed Disney theme park on an old Civil War site? Will NBC News go easy on its online partner, Microsoft?

Did Paramount executives agree to curb the paparazzi that violate the privacy of Hollywood stars because they thought it was an outrageous intrusion of privacy? Or did they curb them because they want to make nice to stars like George Clooney and get them to do movies for Paramount? Will the



Alex Jones

"The people who control the most important news outlets in this country have no understanding of journalism values."

values have infected our business. Perhaps you saw the Diane Sawyer interview with Fergie, as they call her at ABC News. It was an entire hour of what used to be documentary time, devoted to a one-hour interview with the Duchess of York.

But one could also argue the opposite, that George Orwell was wrong, that technology will not imprison us, will not become a tool for totalitarian governments or for big companies. Instead, as happened in Eastern Europe, with the introduction of fax machines and satellite and cellular phones, borders and Berlin Walls were proved to be porous.

The Chinese can talk about controlling the Internet. But they will not be able to do it. Meanwhile, back at home, the questions arise: Need we fear the concentration of media power? Is bigness journalism's enemy, or its own enemy? Will more sources of news equal more choice or more infotainment?

We'll try to identify now the poison.

Auletta's remarks were followed by comment from: Frank Rich, an op-ed columnist and former theater critic for *The New York Times*;

Dorothy Rabinowitz, media columnist for *The Wall Street Journal* and a member of the *Journal's* editorial board;

Alex Jones, the host of National Public Radio's *On the Media*, who won a 1987 Pulitzer Prize for his *New York Times* reports on the fall of the Bingham newspaper dynasty in Louisville, Kentucky; and

Howard Kurtz, media reporter for *The Washington Post* and the author most recently of *Hot Air: All Talk, All the Time*.

FRANK RICH: This summer I was on vacation in Italy. And about three days after I arrived there, I suddenly turned to my wife and said, "I realize that something is different about this culture, in addition to all the other things that are different about Italy." And it was that there was no palpable Disney presence.

If you believe, as I do, that culture is also news, this consolidation of power in a handful of companies not only affects whether stories about Philip Morris run, or whether there's coverage of the telecom bill — which there essentially was not — when it was before Congress. It also affects the whole air we breathe. In terms of what we all call synergy. Because these companies disseminate their products in every possible outlet. And it really affects our values, what we think of as our culture.

And, while there is this explosion of news sources, in terms of the Web, I still don't think we know where that's going to all lead.

DOROTHY RABINOWITZ: As long as I've been a journalist, there have been these dark, threatening phantoms looming before us, threatening to undermine journalistic independence and integrity. This time it is synergism. But I think that the enemy of journalism remains what it always was.

The enemy has always been the herd

mentality, the wish not to step out of line with the prevailing moral order. It isn't synergy or the threat of conglomerates that is causing reporters everywhere to report a story in lock-step, with tremendous fear of offending — you know the overused term — political correctness.

I don't remember any golden age of journalism. There was a fellow at *The Washington Star* who had lunched over to *The Washington Times*. Then, when the Reverend Sun Myung Moon bought the *Times*, somebody asked him, "Isn't it going to be terrible that you're going to be working for the Reverend Sun Myung Moon?" And he answered, "I don't know. As long as I've been in journalism, I never met a publisher who didn't think he was God."

Let us deal with the demons that are

"If you believe that culture is also news, this consolidation of power affects the whole air we breathe."



Frank Rich

here before us in journalism that have always been here. And worry less about these varying threats to the perceived independence of journalists.

ALEX JONES: At the turn of the century, people were anxious about concentrations of power, just the way they are today. But the concentrations they were more worried about were the insurance trusts and the railroads, and the embodiment of that sort of thing was J.P. Morgan. Americans have a deep, visceral fear of that sort of power. When you start trying to crack why people are saying the things they do about the media these days, one aspect of it is pure visceral anxiety about a creature that they feel they

have no real way to control. Something that has become vastly powerful, something that is to a large degree faceless.

The leading news organs in this country are the TV networks, and those networks are now divisions of branches of subsidiaries. In other words, the people who control the most important news outlets in this country have absolutely no understanding or value for news and journalism values. That has never been true before. There's another kind of pernicious aspect to this. And that is the sense that we all have that even though there's a huge amount of competition and rivalry with Time Warner and News Corp. and Condé Nast and Viacom and Bill Gates and John Malone and Dow Jones, that it's one large corporation. Because they are now not only becoming these synergistic creatures unto themselves but they are also forming alliances that are making them one. And Americans viscerally and intellectually, rationally sense that. Do I find it a disturbing concept? Yes, I certainly and very much do.

HOWARD KURTZ: It's important that we not mythologize the nonexistent good old days because it is obviously true that people like Mr. Hearst and Mr. Pulitzer were also interested in making money. In this age when I can think of myself as a content provider instead of just an aging hack, a more important point to me — rather than will NBC aggressively cover General Electric, because there always will be somebody to blow the whistle on malfeasance at General Electric — is whether these companies are willing to spend money. Spend real serious resources on news. I surf the Web a lot, and go onto these sites that have got all these great bells and whistles and interactivity. But what you don't see on most of these sites is much or any original reporting.

One of the reasons for that is reporting is expensive. Investigative report-

ing is expensive. Why? Because you spend weeks, months, gathering documents. Sometimes the story doesn't pan out. It requires not only an investment, but a commitment to doing serious journalism. And it is risky, in terms of lawsuits and the threat of lawsuits. When you do original, aggressive enterprise reporting, you step on powerful toes.

So, it is certainly true that we are now moving into an age where we will have more choices of news than ever before. But in watching some of the new cable channels that are coming online, I see a lot of talk, a lot of analysis, a lot of opinion, a lot of blather. I don't see that much newsgathering. Because newsgathering is very expensive.

We don't have to speculate about how ABC will cover Disney. We have a real live example that occurred just a few weeks ago when *Good Morning America* devoted most of its two hours to a show in, about, and celebrating Disney World's twenty-fifth anniversary.

Charlie Gibson and Joan Lunden and the whole crew went down to Orlando at great expense and, just to give you the tone of this hard-hitting report, here is some of what was said:

Joan Lunden — "Disney World rocks around the clock. . . . The attention to detail in this place is really astounding."

Charlie Gibson — "Probably the greatest man-made vacation center that has ever been built."

Joan Lunden — "Just another example of going all out to impress even the most hard-to-please visitors."

And then of course, there was the obligatory interview with Disney c.e.o. Michael Eisner. I asked Charlie Gibson



Charlie Gibson and Joan Lunden of ABC's *Good Morning America* take a long, loving look at their corporate sibling — Disney World

about it and he was candid enough to say "I'd be lying to you if I didn't say there were some people who weren't comfortable about it."

Notice the careful phrase "some people" leaving open the possibility of whether that included him. This was as close to an infomercial as I have ever seen on network television. Perhaps if it had been by some other network that wasn't owned by Disney it would just have been in poor taste but I thought it was something more serious.

RICH: We're still at the beginning of this phenomenon. A company like ABC still has producers in ABC News who came out of what we think of as a journalistic tradition. A magazine like *Time* still has a number of the same editors who were working there when I was there long before it became Time Warner. But these people are going to retire, fade away. And the question is, will people who come in be people who have no institutional memory of what journalism is or journalistic values? Will there be a whole new kind of nonjournalistic employee who comes

out of a corporate culture where everything is about publicity? Because that's what synergy is.

KURTZ: We have the convergence of two important developments. One is bigger and bigger companies getting involved in the news business. That is probably not so different except in degree from what we've seen in the past century. The other is the speed of the news cycle, which now seems permanently stuck on fast forward.

Those two things are important because one of the reasons you have people filling up the air time with not terribly insightful blather is that there's a lot of air time to fill. And there is less and less time and in some cases less and less inclination for what we used to think of as sort of the mainstream, old-line traditional — some would say dinosaur — news organizations to check out these stories that get into this media culture from a hundred different sources. A story about O.J. can start on an L.A. TV station and rocket around the world and be in newspapers and be on the Internet in a matter of hours before anybody happens to know whether it's true or not.

So some of the safeguards that we used to have that made us slow, that probably made us elitists, have vanished. Now there's a good side to that because it means that more voices come into the conversation. But there's also a dangerous side to it.

JONES: The press's problem is not enough resources and not enough corporate will and not enough real leadership in newsrooms.

I'm not talking about *The Washington Post* and *The Wall Street Journal* and so forth. But at small newspapers around the country there are executives and editors who are simply not allowed to lead their newsrooms in ways that are going to be threatening to the interests of the bottom line.

"Journalists are simply not being allowed to do many of the things that brought them into journalism in the first place."

Journalists are among the most idealistic and driven people in American society. There's a real crisis of confidence and in morale among journalists now because they feel they're not being led right. They're simply not being told that they're doing something really important and they're not being allowed to do many of the things that brought them into journalism in the first place.

The panelists' remarks were followed by questions and comments from the floor — and responses from the panel.

GUEST: I cannot recall a time when big business and powerful interests were more scrutinized by the press than now. NBC may not want to take on General Electric but CBS and ABC will do so without any question. My point is journalism is still free and competition for news makes almost any powerful interest vulnerable. But when I was a reporter we had sacred top cows; we never reported an elevator accident in a large department store that advertised.

"Are we using this corporate stuff as a scapegoat for bad journalism and nerveless journalism?"

GUEST: There's a piece of this synergism that you left out. That's the relationship between the corporations and the government and their dependence on government contracts, particularly military. The public perception is that the media are now p.r. people for the government. That's where a lot of the cynicism comes from.

GUEST: We are letting ourselves off much too lightly. Every anecdote, every incident that was mentioned today — except perhaps for Murdoch and the BBC — represents a real terrible of failure of nerve and duty by the journalists. Are we using this corporate stuff as a scapegoat for bad journalism and nerveless journalism?

JONES: The only people in the broadcast news departments who have any real power are the stars. They're also enormously paid, so they have an enormous vested interest in not rocking a boat.

But they are the only ones who really have the power to embarrass or to shame a network news operation into doing something that it does not feel is in its interest to do. It's not really going to matter in many of those operations whether the news director resigns. If Mike Wallace had walked off, it would have made a big difference. I think this is going to put a great deal of pressure on these star journalists to be the ones who put themselves on the line when journalistic crises come along.

KURTZ: Let me dissent slightly. I think that a lot of journalists in the trenches do have the power to just say no. There is always the threat that somebody in that position can go public and cause an awful lot of bad publicity, which media companies hate as intensely if not more intensely than other types of companies. The fact is that if more of us would blow the whistle rather than just blaming the big, bad corporate owners, then some of these excesses would be curbed. ♦



Trimming the Fringe

How Newspapers Shun Low-Income Readers

by Gilbert Cranberg

"Two truths have governed the economics of the newspaper business. One is that well-to-do readers are more attentive to advertisers; the second is that poorer [lower income] readers build higher circulations. The history of journalism has been punctuated by periods when publishers have honored one of these truths at the expense of the other." — Mitchell Stephens, A History of News (1988)

If you wonder which truth much of the press currently honors, consider the reaction of Joel R. Kramer, publisher of the Minneapolis *Star Tribune*, in 1995, when his paper posted a 4 percent circulation loss over three years after raising home-delivery prices 32 percent. "We are a healthier business," Kramer told *The New York Times*, "if we are charging readers more and accepting a somewhat smaller circulation."

Indeed, the Newspaper Association of America, the voice of publishers, looks benignly on declining newspaper penetration, finding much of it

Gilbert Cranberg, former editor of The Des Moines Register's editorial pages, is George H. Gallup Professor at the University of Iowa School of Journalism and Mass Communication. Vanessa Carney, Brian Graves, Janella Newsome, and James Wolf assisted in the survey of circulation directors.

"self-induced by solid business decisions." As members were advised in an NAA report, "1995 Circulation Facts, Figures, and Logic": "Good business decisions are not always volume driven. One of the newspaper's most basic and fundamental principles is changing. That is, more is not necessarily better; better is better." The objective: measure readership by "market effectiveness" instead of by penetration numbers. For "market effectiveness" read: providing advertisers with readers who possess the upscale demographics merchants fancy.

In what amounts to a drive for class rather than mass, the report recommended three strategies:

- Focus on the good customer who pays on time, preferably in advance, and who, in contrast to the "marginal subscriber," doesn't need to be lured with discounts.
- "Concentrate on aggressive consumer pricing." (Translation: charge more for the paper.)
- Eliminate "fringe circulation," which "is of little value to advertisers."

The "fringe circulation" issue has received some public attention — at least in its geographic interpretation — as papers such as the *Rocky Mountain News* and *The Des Moines Register* have cut service to readers who were deemed too distant. But fringe circula-

tion has another, less discussed meaning, one which raises troubling questions.

Asked for a definition, Miles Groves, the NAA's chief economist, explained that while the term can refer to readers too far removed geographically to be of value to advertisers, it also has a socioeconomic dimension. "We're basically delivering eyeballs to advertisers," said Groves, and fringe readers, by definition, have lower demographics. To illustrate, he repeated the old tale about the tabloid owner who made an advertising pitch to a retailer by citing big circulation numbers. To which the merchant scoffed, "But your customers are my shoplifters."

Groves quickly added that newspapers have to serve the whole community; that is their franchise, which they cannot afford to lose. Nevertheless, "low-income areas are not where you concentrate efforts," and there must be stronger relationships between circulation and advertising. But won't inner-city readers be disadvantaged by aggressive pricing and fewer discounts? Groves's rueful response: "Isn't that the American way, for the poor to pay more?"

Neglecting the poor does seem to be the trend lately, but it's a shame to see newspaper journalism as a force that increases their isolation. The notion clashes with the vision most editors hold of the newspaper as a forum for the whole community and a bulwark of democracy.

It even clashes to some extent with other stated goals of the NAA. In "Diversity, A Business Imperative," another recent report, the organization admonishes, "By the year 2010, nearly one out of every two children under five years of age will belong to an eth-

nic minority group. These young people are the ones the newspaper industry must learn to attract as readers and as employees."

Other newspaper industry reports abound with statistics projecting in the decades ahead an ever-increasing proportion of members of racial and ethnic minority groups in the U.S. population. "Cornerstone for Growth: How Minorities Are Vital to the Future of Newspapers," a study underwritten by a dozen major news organizations, argues that "to counteract the decreasing numbers of traditional readers . . . newspaper publishers must focus on the dynamic segments of their local communities — minorities."

Meanwhile, much of the rationale for the drive for diversity in newsrooms is to produce newspapers of greater relevance to minority-group readers. Clearly, there's a disconnect between the emphasis on marketing to deliver upscale customers to advertisers and the pleas to make minority

groups, statistically more downscale, a cornerstone of circulation growth.

Newspapers interested in zeroing in on would-be subscribers with attractive demographics — homeowners with good jobs, educations, and incomes — have powerful tools in the form of extensive databases and "precision

"The profitability of newspapers depends on an economic formula that is ethically bankrupt"

marketing" systems. Instead of using mass phoning and mailing and random house calls, more and more papers can target precisely the kind of customers their advertisers want to reach.

Database marketing relies heavily on identifying and targeting look-alikes — non-subscribers who most closely resemble existing readers in terms of residence, demographics, and life-styles. Those readers, as industry likes to brag, are well-educated and upscale. And the more circulation falls behind population growth, the more newspapers stress to advertisers how well-off their readers are, and the less eager some papers evidently are to go after the less well-off.

Last fall, four students and I interviewed by phone circulation executives at ninety of the nation's biggest one hundred papers to determine their strategies for reaching non-subscribers. We inquired specifically about efforts to target minorities and the inner city.

About 30 percent of papers reported special sales efforts aimed at minorities and lower-income readers. Typically, these consisted of discounts and shorter-term subscriptions. Some of these papers had representatives work with minority groups, used sales crews

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aggressively, and employed Spanish-language ads and publications to reach Hispanic readers.

For the most part, though, little if anything was done to beat the bushes for inner-city customers. We were told about redlining (usually at a former place of employment). Some circulation directors said that they don't deliver to all parts of their cities for safety reasons. A number admitted that, in the inner city, they give fewer discounts, demand more payment in advance, and send in sales crews — if at all — only around the first of the month when welfare and Social Security checks are due. "We don't want to spend direct-mail dollars there," said one circulation director. Another candidly declared, "The inner city, from an advertiser's standpoint, is undesirable, and for that reason we put our least amount of effort into it."

Combine this with the targeting of look-alikes and you have a recipe for newspapers increasingly marketed to the elite.

These things worry some newspa-

per people. In an August column, *Washington Post* ombudsman Geneva Overholser noted that unlike the *Post*, "many newspapers have essentially adopted redlining: they simply cease to serve areas of little interest to advertisers." Richard Oppel, editor of the *Austin American-Statesman*, contends that a high newspaper price is bad civics. "A lot of us are worried about whether newspapers are pricing themselves out of the market for the middle-class and lower-middle-class readers who have been the traditional core of newspaper readership," he told *The New York Times* in December. "Newspapers should be the center of common experience and a common narrative in our communities."

In his 1993 book, *Read All About It!*, James Squires, former editor of *The Orlando Sentinel* and the *Chicago Tribune*, complained forcefully about how the press is turning its back on low-income readers. He pointed out that almost any circulation director, if given more copies, a lower price, and promotion money,

can increase circulation. "Why they are not employed is the dirty little secret of newspapering," Squires wrote. "Because advertisers want only high-income, well-educated readers. . . . Thus, with few exceptions, the profitability of newspapers in monopoly markets has come to depend on an economic formula that is ethically bankrupt and embarrassing for a business that has always claimed to rest on a public trust."

In a recent conversation, Squires termed diversity in newsrooms an inadequate substitute for the hard job of building circulation — by providing zoned editions for minority neighborhoods, by promotion, and by home delivery.

There is much impressive talk by press groups about diversity and the importance of minority groups to the future of newspapers. But it contrasts with the actions of newspapers that write off future generations of readers who have the misfortune to be too poor to ring the advertisers' cash registers often enough. ♦

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Books

The Senator Settles the Score

by Christopher Hanson

Alan Simpson has written an entertaining, irritating, intellectually sloppy memoir of his clashes with the news media during his eighteen years in the U.S. Senate. It is by turns perceptive and obtuse, persuasive and illogical — all true to form for Washington's most impulsive and mercurial press-basher: the man reporters love to hate because of his stinging diatribes against the coverage of Robert Bork, the gulf war, and Anita Hill; the critic at whom (as Simpson delicately recounts) National Public Radio's Nina Totenberg shouted in a parking-lot confrontation after their joint appearance on *Nightline*: "(Sex act) you! You big (body part)! You are so full of (human by-product)!"

The newly retired Wyoming Republican is most readable in confessing his own goofs and excesses in pressing for journalistic virtue. There was the time, for instance, when he lashed the press corps for invading Gary Hart's privacy in the matter of his dalliance with Donna Rice, and for forgetting that everyone has his flaws — even, presumably, Jesus Christ: "Where was he from the age of twelve . . . until the scribes picked him up again when he was about thirty? Likely . . . doing all the things we ever did." The comment created such a public furor that Simpson was forced to issue a clarification: "No possible extension of my remarks could be seen to equate Jesus to Gary Hart."

On a more serious note, he admits to error in lambasting CNN correspondent Peter Arnett, whom Simpson accused of biased reports that made him an Iraqi "sympathizer" during the gulf war. On a tip from an anonymous newsman, Simpson also charged that Arnett had been pro-Vietcong when he



The press-basher confronts the press

was covering Vietnam. This created a furor, and Simpson admitted he could not back up the accusation. He apologized for using the word "sympathizer." As he writes, "I had done exactly what I often criticized the media for doing: I had taken the outrageous claims of an anonymous source and published them without first checking their veracity."

Still, Simpson pulled a similar stunt a few months later during the

Anita Hill-Clarence Thomas hearings, raising unsubstantiated charges about her ethics and credibility; in his book, Simpson remains unrepentant over this, writing "I wouldn't take back a word of it."

Consistency has never been Simpson's strong suit. He harps in the book on the need for journalists to report only facts, not opinions, and to produce bias-free news. Yet he also argues, quite incongruously, that in time of war American journalists should be "citizens first and reporters second" — which is to say, biased.

RIGHT IN THE OLD GAZOO: A LIFETIME OF SCRAPPING WITH THE PRESS

BY ALAN K. SIMPSON.
WILLIAM MORROW & CO.
269 PP. \$24.

On the plus side, the book is often on target as it skewers the press corps for a prevalent meanness of spirit, a reluctance to acknowledge mistakes, a penchant for laziness, hypocrisy, and cynicism. This critique is hardly original, but Simpson puts it across with a folksy, frequently perverse sense of humor and a barrage of incensed personal anecdotes that might well keep journalists turning pages and chuckling ruefully:

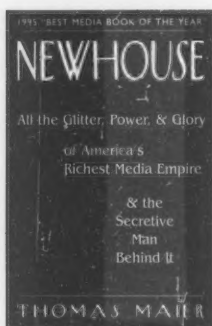
• Are we prone to be conveniently gullible when a touch

Christopher Hanson is Washington correspondent for the Seattle Post-Intelligencer and a contributing editor of *CJR*.

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of skepticism might spoil an entertaining story? Among other cases, Simpson recounts the story from the Philippines of a nurse who had both male and female sex organs and was six months pregnant. This phenomenon was reported to the world by Reuters in 1992, and picked up by, among others, *USA Today*, *The Boston Globe*, the *Chicago Tribune*, the *Memphis Commercial Appeal*, and the *Today* show. The alleged hermaphrodite turned out to be a hoaxer.

• Are we sometimes cynical about professional ethics? Consider the response to Simpson's habit of brandishing a copy of the Society of Professional Journalists' Code of Ethics while faulting reporters for what he regarded as violations. As he recounts in the book, his constant harangues got many D.C. journalists into a lather. Joel Achenbach of *The Washington Post* ridiculed the code in a Style section piece, concluding: "The truth is, this Code of Ethics is a load of malarkey. Whatever malarkey is. No self-respecting journalist would be caught near this thing. Sure, most of it's fine . . . But it never gets specific enough — it ought to say things like 'Journalists should never use the scientific name for snot when they can just say snot.'" It is true that journalists work in gray areas where the ethical course is not always obvious. But by jeering at the very idea of a code of ethics, Achenbach gave Simpson an opening to hammer him and his colleagues as arrogant rogues.

• Do reporters shade the facts when they want to stick it to their critics? Consider Simpson's account of his treatment by *The Washington Post* shortly after he had enraged the media by attacking their coverage of Hill-Thomas. At a birthday lunch for his wife he had made a few bantering remarks — for example, "I would never have dreamed when I married at twenty-two that I would ever sleep with such a beautiful sixty-year-old woman." To which Barbara Bush jokingly rejoined, "Oh, Al! You are a fright!" Later he encountered feminist Betty Friedan, who refused to shake his hand. A few days later, getting into his car after a White House reception, a demonstrator yelled: "I curse you in the name of Jesus Christ!" Simpson replied: "What a terrible name to use to put a curse on

someone." Here's how *The Washington Post* summed it up: "Capping an active week in which he offended both Betty Friedan and Barbara Bush, Sen. Alan Simpson . . . was seen leaning out of his chauffeured car, shaking his fist and trading epithets with a man carrying an anti-Thomas sign."

Simpson's reaction: "First, I did not offend Betty Friedan; she offended me. Second, I most surely did not offend Barbara Bush, who is my friend and who knows a joke when she hears one. Third, I did not shake my fist or use any epithets. . . . I was portrayed as someone who goes around randomly offending people, and who then goes berserk when approached by a mild-mannered citizen exercising his right to protest To the newspaper, the story was just a 'cute' item To me, it was character assassination."

It's easy to gloat that Simpson had it coming. But his complaints should give one pause. At times, we are surely as nasty and biased as he says we are.

The Art of the Con

by Anthony Marro

In the October 7, 1996, issue of *The New Yorker*, in a piece that could have run under the magazine's "Department of Further Amplification" heading, Mark Singer, a staff writer since 1974, confessed that he had allowed himself to be conned.

Specifically, he acknowledged that a 22,000-word story that he had written shortly before the 1992 presidential election was based in large part on what he now considers a lie.

The essence of that 1992 piece was that a drug dealer named Brett Kimberlin had been deprived of his constitutional rights by federal prison officials. They had prevented him from holding a press conference on the eve of the 1988 presidential election to discuss his claims that, for a period of time in the

Anthony Marro has been a reporter for Newsday, Newsweek, The New York Times and The Rutland (Vermont) Herald. He is now the editor of Newsday.

OPINION

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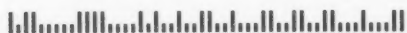
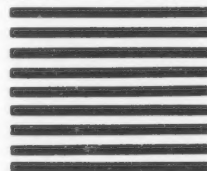
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'70s, he had sold small amounts of marijuana to an Indiana University law student, Dan Quayle.

True, Kimberlin was silenced by prison officials. But Singer no longer believes that he ever sold any drugs to Quayle. "I spent four years asking questions about Kimberlin," Singer says, "and along the way I never met a soul who could offer genuine corroboration of the fable that brought him to my attention in the first place."

By itself, the *New Yorker* piece was both important and necessary. The book-length version is another matter. *Citizen K — The Deeply Weird American Journey of Brett Kimberlin* adds little to the *New Yorker* piece, and has the unhappy smell of something that was completed mainly because the advance money already had been spent.

Spent not only by Singer but also by Kimberlin, since Singer followed up on his original article by entering into a partnership with Kimberlin in which the convict would cooperate in the writing of the book and would be given a chunk of the royalties for his efforts. Singer now says in looking back that "I think we both assumed we had the same story in mind — an assumption that now strikes me as both conspirato-

claims of persecution to be largely a fraud, and some readers are likely to consider this a waste of their time.

What Singer calls the "deeply weird American journey" is merely the story of a minor criminal, convicted of drug dealing and a series of bombings, who claimed that because he had sold pot to



Brett Kimberlin, Federal Correctional Institute, Memphis, 1992

Dan Quayle and was willing to talk about it he had been tossed into semi-solitary confinement and then denied a parole, thus becoming — a term used by others but embraced by Singer in his 1992 article — a "political prisoner."

(The eight bombings in question took place in an Indianapolis suburb within a period of six days. It's still not clear what the bombings were intended to accomplish. One theory held that they were intended to divert the attention of the tiny local police force from its investigation of a murder in which Kimberlin was thought by some to be involved, though he was never charged.)

Whether Kimberlin did what he said he did (sold pot to Dan Quayle) and didn't do what he insisted he didn't do (planted bombs) was of course central to the notion that he was a political prisoner, and Singer's 1992 piece was crafted to suggest strongly that Kimberlin was being honest about both.

Now, four years later, Singer has a different view. The pot-selling to Quayle, he now sees as a "fable," and Kimberlin's denial of any involvement in the bombings no longer rings true. Singer writes, "I spent months wandering through his disclaimers and prevarications before deciding, finally, that this was a case of homework, along with

CITIZEN K: THE DEEPLY WEIRD AMERICAN JOURNEY OF BRETT KIMBERLIN

BY MARK SINGER
ALFRED A. KNOPF
381 PP. \$25.

rial and naive." The partnership also will likely strike many as ethically questionable and not very smart.

It's hard to sympathize much with Singer in any of this, both because his original piece can now be seen as politically motivated as well as badly done (at one point he even fantasized about being invited to the Clinton inaugural for helping torpedo Quayle), and because his book, at bottom, is also a bit of a con. One has to slog through 320 of its 381 pages before discovering that Singer now considers Kimberlin's

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truth, being eaten by the dog, pissed on by the cat, and buried in the backyard."

It's tempting to say that the real value of the book is not in the story of Kimberlin, who now is free and was last seen brokering business deals in the Ukraine, but in the lessons that are here for other reporters and editors. But those lessons are pretty basic and obvious:

- Political bias is poison to journalism.
- Economic partnerships with sources can be both dangerous and corrupting, and are likely to end up as painful as any other bad marriage.

- The fact that the government treats someone badly doesn't mean that the person was a true innocent to begin with; Murray Kempton has noted often that in the case of one prominent New York heroin dealer, the government "framed him for something that he did."

- Information that can't be verified shouldn't be used.

Singer says that he had set out in 1992 to figure out and convey to readers just how it was that the fact that Kimberlin was a convict made him "not credible" to certain members of

the press, while the simple fact that Quayle was who he was made him credible. But even if a person seems credible, most journalists have problems with information that's not verifiable. And early on it became clear that Kimberlin's wasn't. The person who supposedly introduced him to Quayle was conveniently dead, and Kimberlin could produce no one else who had ever been witness to a purchase or use of marijuana by Quayle.

And when Singer finally got around to doing the sort of reporting he should have done at the start, he found one Kimberlin story after another to have been exaggerated or twisted or made up completely. He also tracked down the polygraph expert who had been hired by Kimberlin's lawyer at his trial, and was told that — despite Kimberlin's contention that he had passed with flying colors — Kimberlin had "flunked the test every way in the world" on the things that most mattered.

Much of this could have been learned back in 1992 had Singer and his editors not been so anxious to get

the story into print before the election — and into what, not coincidentally, was Tina Brown's first issue, which Singer notes was "launched with unbridled hoopla." And if they had taken the time to back up and think calmly it might have occurred to them then — as Singer now concedes — that it simply wasn't very likely that someone who claimed to have been importing marijuana by the ton would have taken time

One Kimberlin story after another was exaggerated or twisted or made up completely

out every few weeks to head off to a Burger Chef in Indianapolis to sell one-ounce bags of pot to a law student.

Singer got around all his lack of corroboration by focusing the 1992 piece on the gagging of Kimberlin by prison officials, and then citing the supposed drug sales to Quayle as the information they desperately wanted to gag. He insists to this day that this was the real and legitimate point of his story, but this seems disingenuous at best. Absent the Quayle angle, it's not likely that he would have spent several months of his time, a thick slab of Tina Brown's money, and 22,000 words worth of *New Yorker* paperstock to write about a short-term silencing of a quick-witted convict. Indeed, he now admits that he "ardently, inordinately" wanted the Democrats to win the election, and hoped his reporting would help defeat Quayle and George Bush.

He also had others holding his coat and prodding him along, including Garry Trudeau, a friend and classmate at Yale, who earlier had devoted three weeks' worth of *Doonesbury* strips to Kimberlin and his allegations about Quayle.

What the coat-holders and editors, and for that matter Kimberlin, now think of all this is not known. Singer's own "mea culpa" in the October 7 *New Yorker* may have set a record for both candor and length. It might have been wiser to have left it at that. Absent proof that he was turned into a political

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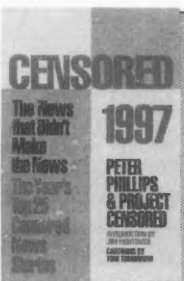
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prisoner by his government, the story of Kimberlin is neither important nor even very interesting. The book itself provides little in the way of new and useful insights into the drug culture, the courts, or the penal system. The journalism issues — the failures and pressures that caused one of the most prestigious magazines in America to buy Kimberlin's bridge — are acknowledged but neither carefully nor fully explored. This is not likely to become a major motion picture. Yet the Knopf company ordered up a first printing of 50,000 copies, many of which seem certain to show up remaindered at a bookstore near you. Which is just one more thing about this whole matter that some will find deeply weird.

Fasten Your Seatbelts — Here Comes the Press!

by Adam Bryant

Better than most reporters, Michael Crichton knows how to do a clip job. He has made millions by cooking current affairs into best-selling potboilers like *Rising Sun*, *Disclosure*, and his latest, *Airframe*.

For such a good rewrite man, though, it is surprising how little Crichton knows about the media, which, according to the author himself, is what *Airframe* is really about.

Yes, the book by all appearances is about aviation safety, and how Casey Singleton, an attractive single mother on the rise at the fictional Norton Aircraft company, hunts for the reason one of its jets started porpoising during a Trans-Pacific flight, killing three passengers.

But, Crichton said in an interview, aviation safety was really just the vehicle he settled on in the fall of 1995 to tell a story about how the media work. And a pretty good vehicle it is — there

Adam Bryant covers the aviation industry for The New York Times.

are few stories the public follows more closely than plane crashes. (He also has remarkable timing; he started researching the book before the ValuJet and TWA crashes last year that now make his book so timely.)

However tedious the litany, there are familiar complaints in *Airframe* that have some merit, particularly when one recalls the guessperts who showed up on CNN within hours after the TWA crash to theorize not only that the 747 was brought down by a bomb, but also about who probably planted it. (The latest theories lean toward mechanical failure.) "Modern journalism," Singleton thinks to herself, "was intensely subjective — 'interpretive' — and speculation was its lifeblood."

To flesh out his point, Crichton creates the character of Jennifer Malone, an ambitious twenty-nine-year-old segment producer for a television news show called — attention, Ted Koppel — *Newsline*. We find Malone in a jam: Al Pacino has just balked at doing an extended interview. She now has seventy-two hours to find and produce a story that will be strong enough to fill twelve minutes of airtime.

A news assistant then hands her a gift from heaven: a press release about Norton Aircraft that piques her interest. After a few hasty phone calls gathering tantalizing facts about the company's aircraft, Malone is back on top. She has her story — a big company putting profits over safety. "DEATHTRAP," she scribbles in her notebook.

She keeps reporting, though, and her

AIRFRAME

BY MICHAEL CRICHTON
ALFRED A. KNOPF
352 PP. \$26.

anger builds as other facts start getting in the way of her story. Malone has just about given up on her deathtrap angle when she sees footage from a passenger's camera that was apparently running during the TransPacific flight, showing bodies tossed about like rag dolls. Her story is on again; after all, with visuals like that, who needs context? "Because when you cut out all the sanctimonious bullshit," Malone thinks, "context was just spin."

Meanwhile, Singleton, the upstand-

ing Norton Aircraft executive, is launched on a mission: to learn what upset one of her company's jets in mid-flight. This is the righteous stuff of modern-day heroes, in fiction and in real life. The work of investigators at the National Transportation Safety Board, for example, has been highlighted in coverage of the TWA and ValuJet disasters, as well as in a lengthy article last year in *The New Yorker* and in a four-hour special on The Learning Channel.

But Singleton is distracted by her other mission: handling the nosy news media, in particular Malone, who Singleton quickly surmises is intent on committing drive-by journalism.

Reporters were not always like Malone, Singleton muses. "There was a time when reporters wanted information, their questions directed to an underlying event. They wanted an accurate picture of a situation, and to do that they had to make the effort to see things your way, to understand how you were thinking about it."

Those reporters have apparently gone the way of full meals in coach class. "But now reporters came to the story with the lead fixed in their minds; they saw their job as proving what they already knew. They didn't want information so much as evidence of villainy."

Airframe builds to a kind of showdown, orchestrated by Singleton, between the integrity of Norton's aircraft and Malone's jerry-built journalism. You'll have to spend the twenty-six bucks, or wait for the movie (yes, rights have already been sold) to learn whether good triumphs over evil in the end.

Crichton has clearly done some exhaustive (and, for the reader, exhausting) research on how planes fly and how they falter, and he's received pretty high marks from aviation experts who have read *Airframe*. But his cartoonish portrayal of the media isn't likely to get him good grades from anyone who has ever worked in a newsroom.

Journalists, however, may be the only ones complaining. Crichton, who has been vilified before for the naiveté of the ideas underlying his novels on international trade, sexual harassment, and the like, said that this unflattering portrait of the media is generating the least controversy of all his books. ♦

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Excerpts



Author Morris
& friend

THE NEWSBOY

FROM **BEHIND THE OVAL OFFICE**, BY DICK MORRIS. RANDOM HOUSE. 359 PP. \$25.95.

The staff's foremost weapon was the ability to select the information the president received. Clinton didn't really read the newspapers. He got a collection of clips every day from more than a dozen newspapers: *The Washington Post*, *The New York Times*, *USA Today*, *The Wall Street Journal*, *The Washington Times*, the *Chicago Tribune*, the *Los Angeles Times*, *The Miami Herald*, *The Boston Globe*, *The Hartford Courant*, the *Arkansas Democrat Gazette*, and a few others. The clipping file also included a summary of the previous night's network news shows.

I don't think he read the clips much. Dozens of times I would mention a front-page story of great importance in *The New York Times* or *The Washington Post*, the first two papers in the file, and he had not seen them. He almost never knew what was on the nightly news. In my weekly meetings, I began including a summary of the content of the TV news and the frequency of front-page mentions of topics in twenty-five of the nation's newspapers. It was all new information to him.

But he did not underestimate the power of the press. "The people don't get it that the press runs the government," he said in March 1995. He thinks of the press in highly personal terms, seeing each story as a reflection of the biases of the writer or reporter. "They love to destroy people. That's how they get their rocks off."

Morris was President Clinton's chief election strategist.

FOOD FOR THOUGHT

FROM **TYPHOID MARY: CAPTIVE TO THE PUBLIC'S HEALTH**, BY JUDITH WALZER LEAVITT. BEACON PRESS. 332 PP. \$25.

Over the years of Mary Mallon's life, the popular media did more than report on the first woman in America to be labeled and traced as a healthy carrier of typhoid fever. From the beginning, led by William Randolph Hearst and followed by his competitors for the New York newspaper market, the press presented Mallon's story to the public in a stylized form. Newspaper writers and editors (and their publishing colleagues) shaped and reshaped the message,



"Typhoid Mary,"
breaking skulls into a skillet,
New York American,
June 20, 1909

through positive and negative representations, through omissions, through an emphasis on her uniqueness, through efforts to arouse emotions, and through language that negated Mallon's humanity. In these ways they created and presented their own perspective on why Mary Mallon's story was significant. In so doing, they influenced public opinion and official actions and underscored a potent construction of Typhoid Mary as a woman polluted, a social pariah to be feared and shunned.

Leavitt is professor of The History of Medicine and Women's Studies at the University of Wisconsin Medical School.

NEEDED: EARLY WARNINGS

FROM "PREVENTIVE DIPLOMACY AND THE MEDIA," BY MICHAEL J. O'NEILL, AN ESSAY IN **PREVENTIVE DIPLOMACY: STOPPING WARS BEFORE THEY START**, EDITED BY KEVIN M. CAHILL, M.D. BASIC BOOKS. 370 PP. \$25.



O'Neill

What the electronic acceleration of history means is that troubling new trends must be caught at much earlier stages if there is to be any chance of altering their course and affecting outcomes. Whether it is exploding populations and vast intercontinental migrations, endemic poverty or a painful redefinition of labor by computers, problems cannot be left to fester until they are turned into disasters and then uncontrollable violence. The politics of reaction and crisis management needs to give way to a new system that assigns its highest priority to social detection and prevention. Preventive politics. Preventive diplomacy. And yes, preventive journalism. A systematic and continuing effort to patrol ahead for causes before they become results, to attack problems in the deepest recesses of society before they grow into political strife and then explosions.

O'Neill was editor of the New York Daily News from 1975 to 1982.

TIPPING THE SCALES

FROM **DEFENDING RIGHTS: A LIFE IN LAW AND POLITICS**, BY FRANK ASKIN. HUMANITIES PRESS. 224 PP. \$15.

I explain to my students that the ethical rules counsel them against trying their cases in the media. I further explain that I have probably won as many cases in my press statements as in my briefs. My favorite example is a case involving the right of a long-haired, twelve-year-old Little Leaguer to play in the all-star game without getting a haircut, as ordered by the commissioner. I needed a temporary restraining order to require that my client be allowed to play in the game, scheduled for the day of the court hearing. I had my students stay up all night writing a brief on the constitutional right of personal appearance. But I also tipped off the local reporters about the interesting dispute that would be heard the next morning in the New Jersey Chancery Division. When the judge called the hearing to order, representatives of all the local papers were in court, pencils at the ready. When the judge issued his ruling from the bench, it was obvious that he was not addressing me or my adversary but the assembled reporters. "This boy's hair is no longer than Sparky Lyle's" (New York Yankee relief ace), His Honor intoned. "It is my ruling that the plaintiff be allowed to play in the all-star game."

Askin is general counsel to the American Civil Liberties Union.

SMART AND SMARTER

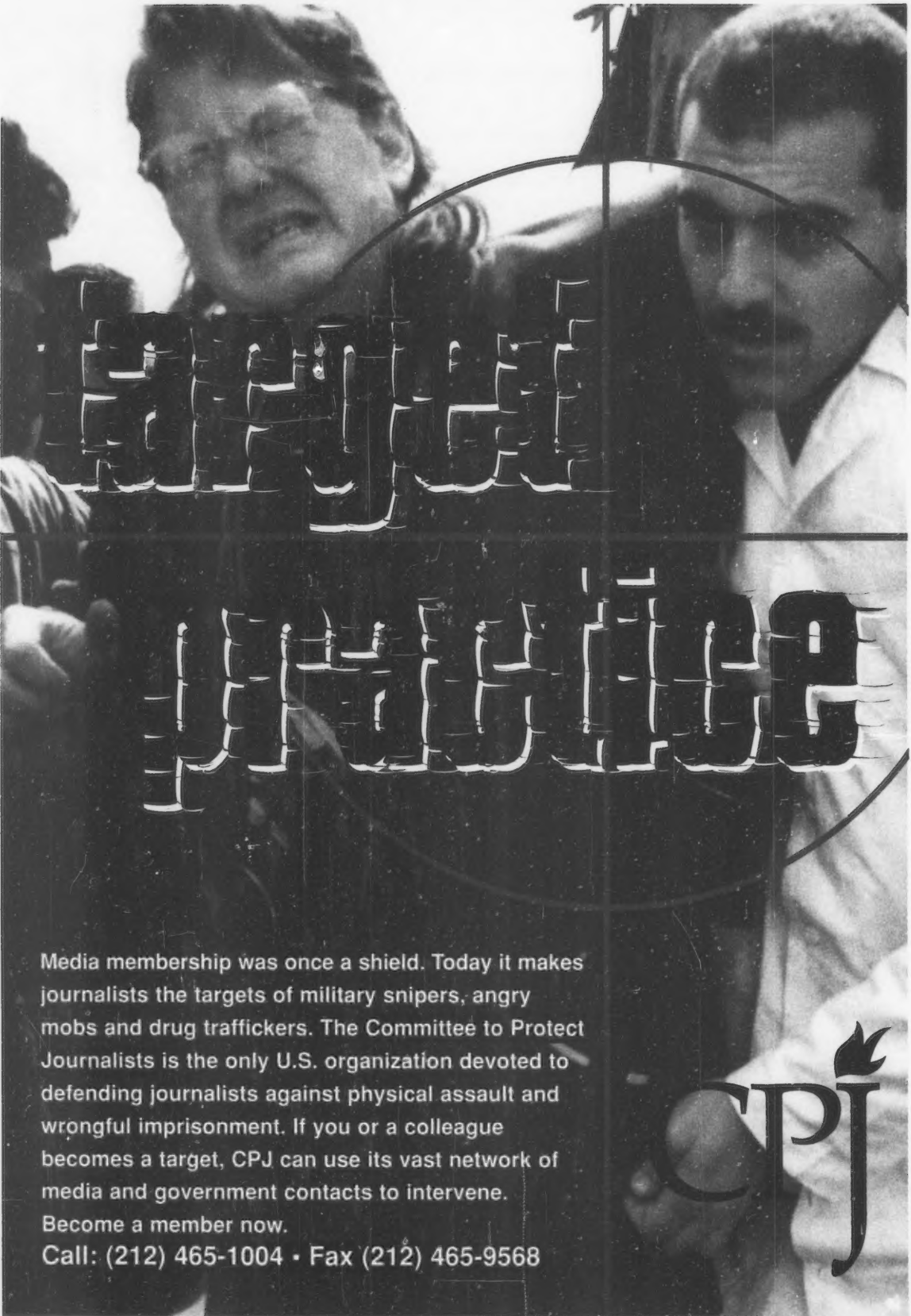
FROM **CHRISTINE TODD WHITMAN: THE MAKING OF A NATIONAL POLITICAL PLAYER**, BY ART WEISSMAN. CAROL PUBLISHING GROUP. 290 PP. \$22.95.



Whitman

Whitman's press secretary, Carl Golden, urged her to ignore the simplemindedness of some questions. He had been around long enough to know she would get questions that "are just remarkably stupid. I mean, there are reporters, the Nobel Prize for physics isn't in their future. It's just the way it is. I said, 'If you just want to smile, that's fine, but the worst thing you can do is show up a reporter in front of his colleagues. . . . They don't need you to say, "what a dumb question." They know it's dumb. You just answer it.'"

Weissman is statehouse editor for the Asbury Park Press and Home and News Tribune.



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The Patriot-News (Harrisburg, Pa.) 11/21/96

"I may drive by after work and
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Pawlak, whose father was a tool

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